Your Questions Answered

volume 7

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PREFACE

اَلحَمدُ لِلّٰه رَبِّ الْعٰلَمِيْنَ وَالصَّلٰوةُ وَالسَّلَامُ عَلٰى

خَيرِ خَلقه مُحَمَّد وَ اٰلِهِ الطَّاهِرِيْنَ.

I am thankful to Allah Subhanahu wa Ta'ala to give me time and strength to compile this 7th volume of this series. It contains replies to 96 questions which were asked between January, 1995 and April, 1998.

May Allah accept this humble effort with good acceptance and make the book instrumental in guiding His servants tothe right path. Amen

وَمَا تَوفِيقِيْ اِلَّا بِاللّٰهِ عَلَيْهِ تَوَكَّلْتُ وَ اِلَيْهِ اُنِيبُ

Dar-es -Salaam
24th June, 1998

Sayyid Saeed Akhtar Rizvi

بسم الله الرحمٰن الرحيم

الحمدللّٰه رب العالمين و الصلوٰة والسلام على

أشرف المرسلين و خاتمِ النبيين أحمدالمجتبىٰ أبى

القاسم محمدالمصطفىٰ و آله الطيبين الطاهرين

Q1: ON NATURE AND GOD:

What is the difference between nature and God? If we sow a seed then tree of that particular seed grows. Then what did the God do in that case? Similarly, in the case of rain. We know the procedure of rain. Then what's the work of God?

A: When you take a car (in perfect condition), put in petrol and switch the engine on, it starts running. Then what did the Ford or Nissan or Mitsubishi company do in this case? You know die process how the said engine works, then what's the work of its manufacturer?

Q2: CAN ALLAH MAKE HIMSELF VISIBLE?

Allah was never seen and never will be seen. Also we know that Allah (s.w.t.) can do each and everything. Now can He make himself visble?

A: You must have done by now your Form IV, Insha-Allah.
I suppose one of your subjects was Mathematics. Now can you add 2 and 2 to make them into 5? No? Why not? Dont you know how to add? You will say that "I cant make 2 + 2 into 5, not because I do not know how to add, but because the numbers 2 + 2 are inherently incapable to give the result 5." Your expertise of Mathematics does not extend to impossible ideas.
Likewise, when we say that Allah can do each and every thing, we are talking about the things which are possible—not the impossible ideas. And His being seen is simply impossible.

Q.3: INHERENT GOOD AND EVIL:

The Asha'irah say that nothing is good or bad in iteself. Only what Allah has ordered us to do is good and what He has forbidden is bad. My question, according to the Shi'ahs, what is the basis of our creed in questioning the clear commands of Allah? Please if you could clarify this for me and provide me some examples, if possible.

A: Far be it from us that we should question the commands of Allah.
What we say is that there is real merit or demerit in many courses of actions, and our nature or intellect may lead us to know that merit or demerit in many cases. Although it is not necessary that we should know that merit or demerit in all cases. For example, human nature makes us believe that justice is good and injustice is bad; truth is good and falsehood is bad, and so on. And it is because of that inherent merit that Allah commands us to do a certain deed, and because of that inherent demerit that He forbids us another work.

But the Ash'arites reject the above statement. According to them no merit or demerit is

inherent in any thing or action. All are equally blank. When God orders something it becames good; when He forbids, it becomes bad.

In short, we say: God has ordered us to do it, because it is good. Ash'arites say: It has become good because God has ordered it. They elaborate it in this way: "It would be perfectly O.K. if Allah were to send all prophets to the hell, and the Satan to the paradise. Of course it would be injustice, but there is no inherent evil in injustice, and if Allah commits injustice, it will become a meritorious act."

Q.4: ISLAMIC VIEW ON PREDESTINATION:

What in your opinion is the Islamic view or philosophy on an individual's destiny?

- *Is there anything like destiny?*
- *If there is, then by doing right can this destiny be changed?*
- *Does this then not give no meaning to the word "Destiny"?*

A: I am sending you by air mail a book of mine, *Justice of God,* which will make this topic clear.

Q.5: WHY HINDUISTIC BELIEF?

The verse 19 of the ch.43 says:

And they make into females angels who themselves serve Allah. Did they witness their creation?

Their evidence will be recorded, and they will be called to account!

This verse is similar to the Hindu religious belief that their devtas were served by apsaras. How does the Qur'an have a similar episode as per this verse?

A: The verse describes and refutes the polytheists' belief that the angels were females. What is your objection against this rebuttal. Or are you perturbed by the phrase, "who themselves serve Allah"? If so, then the trouble is again with your translation.- The correct translation is "who are the servants (or more correctly, slaves) of Allah", just as human beings and jinns are the servants (or slaves) of Allah. So why worry?

Q. 6: THE LIGHT OF THE PROPHET:

What is the implication of the Prophet's (s.a.w.) tradition which states: The first thing God created was my 'Light', and I and Ali are created from one Light?

A: The tradition is accepted by the traditionalists of both sects -Shi'a and Sunni. The Prophet's Light adorned the *'Arsh* of Allah. When Adam (a.s.) was created, that Light was put in his forehead. It continued its journey, generation after generation, through numerous Prophets and their successors, passing through the Prophets Ibrahim (a.s.) and Isma'il (a.s.), until it reached 'Abdu 'l-Muttalib. At that stage it was divided in two parts, one going to 'Abdullah and the other to Abu Talib. From 'Abdullah was born our Prophet (s.a.w.) and from Abu Talib was born 'Ali (a.s.).

The implication is clear: In the absence of the Prophet (s.a.w.) 'Ali (a.s.) fills his place and has all the authorities the Prophet (s.a.w.) had except the Prophethood and what is related to the Prophethood (like revelation concerning shari'ah).

Q. 7: WHICH SHARI'AH THE PROPHET FOLLOWED BEFORE BI'THAH?

What the Holy Prophet (p.b.u.h.) practised, before being given the Nubuwwah, by way of meditation or other Islamic practices? For example, did he fast during Ramadhan, give alms etc.?

We believe that Islam is a progression from Judaism and Christianity. Was the Prophet (p.b.u.h.) obliged to follow their scriptures (undistorted, of course) until he received the divine revelation? Perhaps you could enlighten me on this.

A: The Prophet Ibrahim (a.s.) had two prophet sons: Isma'il and Ishaq. From Ishaq came Ya'qub (called Israel = Slave of God = 'Abdullah). There came hundreds of prophets among the children of Israel (Banu Israel) - At least 12 of them are mentioned by name in the Qur'an, including Musa and 'Isa.

The simple *shari'ah* brought by Ibrahim (a.s.) was followed by both branches of his progeny, until the Prophet Musa (a.s.) was given the Torah, which remained in force for Israelis until the Prophet 'Isa (a.s.) made some minor changes in it. That amended *shari'ah* remained valid until the advent of Islam.

This concerned the Banu Israel. As for Banu Isma'il the same Ibrahimi *shari'ah* remained in force among them till the *bi'thah* of our beloved Prophet (s.a.w.a.). The progeny of Isma'il (a.s.) was never devoid of one or the other *wasii* (successor) of Isma'il — either openly or in *taqiyah.* According to our accepted traditions, 'Abdu'l-Muttalib was a *hujjat* of Allah who was succeeded in that office by Abu Talib. Abu Talib delivered the divine trust to our Holy Prophet (s.a.w.a.).

Now you will understand that our Prophet (s.a.w.) was never expected or required to follow any law or rule of the Judaism or the Christianity. Upto 40 years, i.e. before he was ordered to declare his prophethood, he faithfully followed the Ibrahimi *shari'ah,* which was extremely simple. On his own, he began yearly meditation (3 months continuously) which was initiated by 'Abdu 'l-Muttalib and the fast of the month of Ramadhan. This continued till he got the call to announce his prophetic mission.

Islam is NOT a progression of Judaism and Christianity — if the word, "progression" creates before your eyes the image of a branch sprouting from a trunk. The actuality is as follows:
Allah had been sending prophets and messengers with progressively developed systems of law, keeping in view the intellectual, moral and social developments of humanity at the relevant time. And in this way every subsequent *shari'ah* was a 'progression" of the preceding one. That's all.

Q. 8: DID THE PROPHET KNOW HOW TO READ & WRITE?

Did the Holy Prophet (s.a.w.a.) know how to read and write? Please provide a detailed answer from the Qur'an, hadith and history.

A: It is accepted by one and all that before the revelation of the Qur'an, the Holy Prophet (s.a.w.a.) could not write with his own hand nor could he read anything written by others. Allah had arranged it in this way, so that his adversaries could find no cause to doubt the truth of his claim. Allah says:
"And you did not recite any book before it (the Our'an) nor did you transcribe one with your right hand: for then would have doubted those who utter falsehood." (29:48).

This letter is not the place to give full explanation of this verse; but it should be kept in mind that it describes the condition of the Holy Prophet (s.a.w.a.) "before the Qur'an", i.e. before declaration of the prophethood. In other words, he did not know reading and writing before the advent of his prophethood; and it was so, in order that the Meccans could not say that he had collected those truths from previous books, and the Jews and the

Christians could not say that one of the epithets of the Last Prophet, given in their books, was *'ummi.* which they interpreted as uneducated, illiterate.

The word "Ummi" has been used for the Holv Prophet, (s.a.w.) in verses 157 and 158 of ch.7 (al-A'raf.) v.157 begins with these words:
"Those who follow the Messenger, Prophet the, Ummi, whom they find written (in the books) with them, in the torah and the Injil..."

The dictionary gives the following meanings for this word (u*mmi):* "maternal, motherly, illiterate, uneducated."

Tafsir Shubbar says: Ummi: The one belonging to Ummu l-qura (Mecca); the one who does not read or write.

Mir Ahmad Ali says:
"The word 'Ummi' gives several meanings: one born of a mother, i.e., the unlettered; a citizen of Mecca which was called Ummul-Qura, i.e. the mother city."

(Then after 3 pages, he says); "Ummi has generally been translated as one who does not know to read or write; but it actually means a person who remained as born of his mother and did not undergo any education or training from any mortal — the usual result of it is illiteracy.....The prophets were Ummi in this sense, but they were taught by God through Divine agencies."

You have been told above that the Holy Prophet (s.a.w.a). did not read or write before the announcement of his prophethood. But after the advent of revelation, he is mentioned in the Qur'an as:
"(The) Messenger from Allah *reading out unto them* the Purified Scriptures." (98:2)

The simple fact is that the Holy Prophet (s.a.w.a.) was not taught by any human being, and from this point of view he was Ummi. But he was taught by Allah, until he became the City of knowledge.

The history has recorded an episode which clearly shows that he could read and write. It happened 19 years after receiving the first revelation.. .in the year 6 of hijrah at the time when the peace of Hudaybiyah was concluded and the Prophet (s.a.w.a.) began dictating the document of the peace:

The Messenger of Allah (s.a.w.) called 'Ali and said: Write: *Bismillahir Rahmanir Rahim.* Suhayl (the Meccans' envoy) said: We do not know it; rather you write: *Bismika Allahumma.* So, he wrote it. Then the Prophet said: Write: This is what has been agreed upon between Muhammad the Messenger of Allah and Suhayl ibn 'Amr. Suhayl said: Had we recognised that you were the Messenger of Allah we would not have faught you; you should rather write your name with your father's name. The Messenger of Allah said to 'Ali Erase (the word,) Messenger of Allah. He said: I won't erase it ever. Then the Messenger of Allah took the paper and erasing (the word) Messenger of Allah, wrote in its place, Muhammad ibn 'Abdullah. And he said to 'Ali: At one time you too will have to face a similar situation." (Ibn al-Athir al-Jazari, *Tarikh al-Kamil vol.2 p. 77).*
This event may be seen in the following books (among others):-

1. Jamaluddin Muhaddith, *Rawzatul Ahbctb,* vol.1, p.356
2. Mulla Mu'in, *Ma'arijun Nubuwwat,* vol.2, p. 191
3. Husain Diyarbakri, *Tarikh al-Khamis* vol.2, p.23

4. Muhammad ibn Khawand Shah, *Rawzatns Safa,* vol.2, p.366
5. Imam Nasa'i, *al-Khasa'is* p. 160

Q.9: SOME ESPECIAL RULES FOR THE PROPHET:

Is it correct that there were some rules which were applicable especially to the Holy Prophet (s.a.w.a.)? If yes, then what were those rules?

A: Yes, There were about fifteen especialities meant for the Holy Prophet (s.a.w.a.) only. Some were on the subject of marriage, some about other responsibilties and a few were related to some miracles of his physique.

As for his physique, while spleeping, it was his eyes that slept, but his heart remained awake; and he could see behind him as he looked in front.

As concerning marriage, he was allowed to marry in excess of four [and it was because he was sure to deal with all his wives with justice]; if a woman gifted herself to him, that wording constituted marriage and he was not required to give any "mahr" to her; he was commanded by Allah to give all his wives a right to choose whether they wanted to remain with him or wished to separate from him; also he had been allowed upto a certain period to divorce a wife and marry another in her place; he was not allowed to marry a slave-girl (while Muslims have this choice); and no one was allowed to marry his widows.

As for other matters, he was obligated to brush his teeth before *wudhu,* to sacrifice an animal during *hajj* season and to pray *tahajjud* and *salatu 'l-watr* at night (These are *sunnat* for his *ummah);* and wajibu *sadaqah* was *haram* for him, as was winking towards someone, (These are not so for the Muslims); and he was allowed to keep fast continuously for two or more days without breaking the fast at night (while it is *haram* for his *ummah).*

Q.10: TAFSIR OF QUR'AN 22:52:

Can you please enlighten us with the correct meaning of the verse 52 of ch.22 (Hajj) which says:

"Never did We send a messenger or a prophet before thee, but, when he framed a desire, Satan threw some (vanity) into his desire: but Allah will cancel anything (vain) that Satan throws in."

Aparently this is the verse on which the accursed Salman Rushdie based his book, The Satanic Verses.

A: I am sending to you my book, "The Qur'an and Hadith" (Revised and Enlarged edition). You are advised to study the whole book minutely; but before any thing else, read the Addenda: The Satanic Suggestion, (pp. 113-126) which deals particularly with this topic.

Q.11: ON TAFSIRS OF QUR'AN:

What is the meaning of Tafseer of Qur'an? When did it originate? Is the Tafseer concerned only to the Shi'as'? How many Tafseers had been written so far? Whether the difference between one Tafseer let's say A and other B are same or different?

A: Tafsir does not mean translation. It means explanation of real meaning and connotation of a verse or verses. For example, take the verse, *Bismillahir Rahmanir Rahim.* Its translation is known to every body. But Tafsir tells us what is the implication of *"Bi";* what does the divine name, *Allah,* signify, what is the difference between *Rahman,* and *Rahim;* and so on.

Tafsir originated with the Holy Prophet (s.a.w.a.) who explained the true significance of the verses whenever they were revealed For example, when the verse was revealed which says: "*O you who believe! obey Allah and obey the Messenger and those vested with authority from among you..."* (4:59), the Prophet (s.a.w.a.) explained who "those vested with authority" were, giving in detail the names of the twelve Imams (as.).

Books on Tafsir are found in every sect, and in these fourteen centuries thousands of such books have been written by the Muslim scholars.

Q.I2: CONTRADICTION IN THE QUR'AN?

Why do the verses 2:253 and 2:285 contradtict each other? The verse 2:253 says:
"These Messengers, We have made some of them to excel the others; among them are some to whom Allah spoke, and some of them He exalted by degrees of rank..."

And the verse 2:285 says:
"The Messenger believes in that has been revealed to him from his Lord, and (so do) the believers; they all believe in Allah and His angels and His books and His messengers; (they say,) we make no difference between any of His messengers..."

A: If you had taken a few minutes to ponder on the two verses before writing this question, you could have solved the problem yourself. The former verse described the messengers' varying degrees of rank *before Allah,* while the latter describes the responsibilities of *the believers* towards all of them. (It had been hinted in the reply to the Question 12 of Your Questions Answered, Vol.3 from which you have copied only half of the reply), the lines you have omitted say:
"Its meaning is that *we* have to^believe in all the Messengers of Allah. We should not be like Jews who do not believe in Hadhrat 'Isa (a.s.) and Hadhrat Muhammad Mustafa (s.a.w.), nor like Christians who do not believe in Hadhrat Muhammad Mustafa (s.aw.)."

Let us say, there are 50 teachers in a secondary school. Naturally their status differs from one to the other — one is the Principal; another, Vice-principal, a few are heads of their departments, and so on. Their scales of pay also differ according to their qualification, experience and rank. But all these matters are between the Board of Governors and the teachers. As far as the students are concerned, they have to pay respect to all the teachers, be he senior or junior, obey their orders and listen attentively to what they teach. Even with this obligation of respecting all of them without any difference, the students, like every body else, know and understand that the Principal's rank is the highest, followed by that of the Vice-principal, and so on

Q. 13: QUR'AN: PROTECTED FROM TAHRIF:

I am sending to you photocopy of 2 pages of a booklet distributed by the Wahhabis in Mombasa. It quotes some ahadith from Shi'a books purporting to show that the Shi'a do not believe in the present Qur'an, because they think there is alteration and omission in it.
Now is it a fact that the present Qur'an is not complete according to our belief? Is it because the majority sect belives in its authenticity and we just follow in TAQIYA? If yes, then the present Qur'an in which we believe is a make believe?
Please shed some light on this issue, very close to my heart.

A: The idea of *tahrif* of the Qur'an is humbug. The photocopy sent by you is probably from the same booklet which was sent to me many years ago. I had written its reply which was published under the title, *Wahhabis' Fitna Exposed,* from Dar- es- Salaam, New Jersey (U.S.A.) and Qum (Iran); and its Swahili translation, *Fitina za Wahhabi zaflchuliwa,* was

published in Dar- es-Salaam.

The Wahhabis' booklet is full of deception, *tahrif* and baseless claims; its author has exposed his ignorance on every page. I am sending to you tne book, *Wahhabis Fitna Exposed,* which will remove all your worries. Also another booklet of mine: *Qur'an, Its Protection from Alteration,* is also sent which is particularly on this subject.

Q. 14: HAS ANY CONTEMPORARY PERSON MET THE IMAM (A.S.)?

A question regarding the Imam (a.s.) was asked by my fellow Muslim brother. He enquired whether any person has met the Imam (a.s.) in this century. [As we have heard many Aalims of previous centuries of having met the Imam (a.s.).] If so, then who are those dignified personalities. And if possible, then please send their brief biography.

A: Yes. We know of many such personalities. There are some books even in Urdu giving some such events, which you should obtain and read. A letter is not a proper medium to write people's biographies.

Q.I5: WHY 'ALI'S NAME IS NOT MENTIONED IN QUR'AN?

The Holy Qur'an has talked about the past, the present and the future. Today in the world there are so many anti-Islamic movements and together with these movements there are conflicts between the Muslims themselves. The conflict between the two great sects of Islam (ie Shi'as & Sunnis) is because Shi'as believe and know that Imam Ali (a.s.) is the first Khalifah and Sunnis believe otherwise. Now my question to you is that why didn't the Holy Qur'an CLEARLY mention this? It may have mentioned in other Ayats regarding the Ahlul Bait, but what I am asking is that why did it not mention them clearly so that there would not be such conflicts between these two sects. If the Qur'an can mention about the past prophets by giving their names why then not mention the Ahlul Bait clearly??

A: First of all, you should decide which word could have been used for announcing the Imamate and Khilafate of 'Ali (a.s.) in the Qur'an. For the terms *khalifa* and *Imam* literally do not convey the meaning of "heir apparent to the Prophet."

Secondly, if the name, 'Ali would have been included in any verse, what was there to stop all the families of Arabia to name all their newly-born babies 'Ali?

A similar question was asked of Imam Ja'far Sadiq (a.s.). The Imam once explained the verse 4:59, which says:
O you who believe! Obey Allah and obey the Messenger and those vested with authority from among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the last day; this is better and very good in the end (4:59).

Upon hearing this, someone asked the Imam: "People say, 'Why did Allah not mention the names of 'Ali and his family in His Book?"

The Imam answered: "Tell them that there came the command of *salai* (prayer), but Allah did not mention whether three or four raka'at (units) to be performed; it was the Messenger of Allah who explained all the details. And (the command of) *zakat* was revealed, but Allah did not say that it is one in every forty dirham; it was the Messenger of Allah' who explained it, and hajj (Pilgrimage to Mecca) was ordered but Allah did not say to perform tawaf (circumambulation of the Ka'bah) seven times — the Messenger of Allah explained it.. Likewise, the verse was revealed: *Obey Allah, and obey the Messenger and those vested with authority from among you,* and it was revealed about 'Ali and Hasan and

Husayn (a.s.)." [And as in other cases, it was the Messenger of Allah who announced their names]

Q.I6: SUNNI REFERENCES OF A HADITH:

I have a question which I would like to ask. In the book Day of Judgement on p. 88 there is a Hadith where the Prophet said to Imam Ali (a.s.),
"O Ali on the Day of Judgement, shall sit I and you and Gabriel on the Sirat, and shall not pass over tfie Sirat except he who would have a 'release' (from Jahannam) based on your wilayat (love and obedience).

"This Hadith has been narrated by many Sunni scholars".
Could you please tell me in which Hadith Books of the sunnis it appears and what category of Hadith it is e.g. Sahih. Hasan. Dhaif etc.

A: The *hadith* quoted in *Day of Judgement* is from Shi'a sources. As for the Sunni sources, the *hadith* is narrated by the following well-known *muhaddithin* (narrators of *ahadith), fuqaha'* (jurisprudents) and *mufassirin* (exegetes of the Qur'an) in their well-known books as described below:

1. Ibn Hajar al-Haytami al-Makki Ash-Shafi'i, (died 973 A.H./1565- 66 C.E.) in his book, *As-Sawa'iqu 'l-muhriqah.* (pp.78 & 97).

2. Imam Ad-Darqutni al-Baghdadi Ash-Shafi'i (d.385/995) in his *As-Sunan.*

3. Abu Bakr Al-Khwarazmi (d.383/993) in his *al-Manaqib* (ch. 19, p. 234 & 222) and in *Maqtalu 'l-Husayn* (vol.1, p.39).

4. Muhibbu 'd-din At-Tabari Ash-Shafi'i (d.694/1295) in his *Ar-Riyazu 'n-nazarah fi Faza'ili 'l-'asharah* (vol.2, pp. 173; 177 & 244)

5. Al-Hamwayni, Sadru 'd-din Ibrahim ibn Muhammad (d.722/1322) in his *Fara'idu 's-simtayn (vol.1, ch.54)*

6. Al-Imam Al-Hakim an-Nishapuri ash-Safi'i (d. 403/1012-13) in his *Al-Arba'in.*

7. Ibn-Al-Maghazili al-Jullabi (d 483/1090) in his *Al-Manaqib.*

8. Shaykhu 'l-Islam Sulayman Al-Qunduzi al-Hanafi (d. 1294/1877) in his *Yanabi'u 'l-mawaddah* (p.95).

9. Abu Bakr Al-Khatib Al-Baghdadi (d.463/1070) in his *Tarikh Baghdad,*

10. Qazi Abu 'l-Fazl 'Ayaz ibn 'Amr As-Sabti Al-Maliki (d.544/ 1149-50) in his *Kitabu 'sh-Shifa'.*

11. 'Abdullah Ash-Shabrawi (d.1172/1758-59) in his *Al-Ithaf bi Hubbi'il-Ashraf (p. 15);* and *'Is'afu 'r-raghibin* (p. 161).

Ms. Latiefa Benjamin should note that the above scholars' list contains *muhaddithin* of various Sunni sects (Shafi'i, Hanafi and Maliki) beginning from 383 A.H. to 1294 AH. Such a widely accepted *hadith* does not need checking whether it is *Sahih* or *Hasan* or what. And in any case it is not our problem to look into its various chains of narrators (which end

on the Companions, Abu Bakr, Ibn 'Abbas, Ibn Mas'ud, Anas ibn Malik and 'Ali a.s). For us it is enough that so many famous Sunni *muhaddithin* have narrated it in their books.

Q.I7: IS IMAMATE SUPERIOR THAN PROPHETHOOD?

It is said that the office of Imamate is superior to that of prophethood, and verse 124 of Surah Baqarah is put forward as proof of this claim. Can you please give detailed & clear explanation of this issue.

Further, in your book "Guidance From Qur'an", page 42 you have briefly written about the question asked to Imam 'Ali (a.s.) by Sa'sa'ah ibn Sauhan on the 19th of Ramadhan, 40 A.H., concerning the above mentioned issue and you have also stated there in your references but as I don't have the original books to refer to, I request you to please send me in detail the question asked & the answer given by Imam 'AH (a.s.).

A: Go to a big paint shop; they will give you a chart of colours in which you will find various shades of each colour.- e.g. 15 shades of green, 20 of blue and so on. All the shades of blue are called blue, but differ in intensity: Likewise, the words, Islam, Iman, Taqwa, truthfulness, Imamah etc., have various shades of meaning, some very light, some medium and some very fast.

To give you an example, when Ibrahim (a.s.) with help of Isma'il (a.s.) was building the Ka'bah, he was already a Prophet and Messenger of Allah; but the father and the son were praying to Allah in these words:
",.. *O our Lord! and make us two the Muslims for You, and make a group from our progeny Muslims for You.... (2:128)*

You find here a Messenger of Allah and His prophet praying to become Muslims!! Does this word here mean those who believe in one God and the veracity of their prophet? And why did not they pray for their whole progeny to become such Muslims? Why did they pray for only "a group" from their progeny to become Muslims? Obviously the Islam they prayed for was something far superior than messengership and prophethood.

Likewise, the Imamat which Hazrat Ibrahim (a.s.) was given was much superior than his messengership and prophethood, because it was bestowed on him after all other offices. But it does not mean that every "Imam" is superior than a prophet, because there are Imams of jama'at prayers, leaders of army, scholars of religion etc. etc., all of whom are called Imams, but their only distinction is that they are followers of the prophet.

Sometimes designations and titles remain the same, but the reality on the ground happens to be quite different. There is a country, Nauru, and it has a prime minister; and there are U.K. and Canada with their prime ministers. Will you say that the Nauruan prime minister enjoys the same prestige and power in international fora as his British and Canadian counterparts do?

Our Prophet (s.a.w.a.) is much superior than all the previous prophets. Nautrally those who rightfully sit in his place will have the same distinction *vis-a-vis* previous prophets. It is a clear reality and we should not be afraid of anouncing it.

"Guidance from Qur'an" is not my book; its authors are Haji Ali Mohamedjaffer Sheriff (Mombasa) and Late Haji Hussein Alarakhiya (Dsm). The tradition they have reffered to is copied hereunder from the English translation of "Peshawar Nights":-

"In Ihya'u'l-Ulum by Imam Ghazali, Sharhe Nahju 'l-Balagha by Ibn Abi'l-Hadid Mu'tazili, the Tafsir by Imam Fakhru'd-Din Razi, and Tafsir by Jarullah Zamakhshari, Baidhawi, Nishapuri, etc., you will find this hadith of the Holy Prophet: "The ulema of my community are like the prophets of the Bani Isra'il." In another hadith he said: The ulema of the Prophet's community were equal to or better than the prophets of the Bani Isra'il simply because their source of knowledge was that fountainhead of learning, the Prophet Muhammad. Therefore, Ali Bin Abu Talib was definitely superior to the prophets, since the prophet said: "I am the city of knowledge, and Ali is its gate." He also said: I am the house of wisdom and Ali is its gate". When Ali, himself, was asked about this topic, he explained some aspects of his superiority to the prophets of the Children of Isra'il. On the 20th of Ramadhan, when Ali was on his death-bed following the attack by Abdu'r-Rahman Ibn Muljim Muradi, he asked Imam Hasan to call in the Shia who had gathered at the door of his house. When they entered, they surrounded his bed and wept silently. Ali said: You may ask any question you like before I leave you, but your questions should be brief. One of those present was Sa'sa'a Bin Suwhan. Your own great ulema, like Ibn Abdu'l-Birr and Ibn Sa'ad, have written about his life and character, have relied on him, confirming that he was a man of great learning.

Sa'sa'a said to Ali: "Let me know who is superior, you or Adam." The Holy Imam said: "It is not proper for a man to praise himself, but according to the maxim: 'Declare the blessings that Allah has given you', I tell you that I am superior to Adam." When asked why this was so, Ali explained that Adam had every means of mercy, comfort, and blessings for him in paradise. He was asked simply to abstain from the forbidden food. But he could not restrain himself, and he ate from the tree. As a result, he was expelled from paradise. Allah did not forbid him, Ali, from eating wheat (which, according to Muslim belief was the forbidden 'tree'). But since he had no inclination towards this temporal world, he voluntarily refrained from eating wheat. (The point of Ali's remark was that excellence of a man before Allah lies in piety and devotion, and that the height of piety lies in abstaining even from what is permissible.)

Sa'sa'a asked: "Who is superior, you or Noah?" Ali replied: "I am superior. Noah called his men to worship Allah, but they did not obey. Their shameful mistreatment was torture to him. He cursed them and invoked Allah: 'O my Lord! Leave not on the earth a single person of the unjust ones!' After the death of the Prophet, even though the people caused me extreme difficulty, I never cursed them. I suffered their torment with patience."

Sa'sa'a asked: "Who is superior, you or Abraham?" Ali replied: "I am superior, for Abraham said. 'My Lord! Show me how thou Givest life to the dead! He said: "What! do you not believe?[1] He said: "Yes, but that my heart may be at ease.' (2:260). My faith was such that I said: 'If the veil over the unseen were lifted, my faith would not increase."

Sa'sa'a asked: "Who is superior, you or Moses?" The Holy Imam replied: "I am superior, for when Almighty Allah ordered Moses to go to Egypt to invite Pharaoh to the truth, Moses said: 'My Lord! Surely I killed one of them, so I am afraid that they will slay me. And my brother Aaron, he is more eloquent of tongue than I. Therefore send him with me as an aide, to help me. Surely I fear that they will reject me." (28:33-34) the Holy Prophet ordered me, by the command of Allah, to go to Mecca and to recite the verses of the Chapter 'Al-Bara'a' from the top of the Ka'ba to the Qur'aish infidels. Iwas not afraid, even though there were few people there who had not lost a near relative by my sword. Obeying his order, I performed my duty alone. I recited the verses of 'Al-Bara'a' and returned."

Sa'a'a asked "Who issuperior, you or Jesus?" Ali said: "I am superior, for when Mary

became pregnant by the Grace of Allah, and the time of her delivery approached, a revelation was granted to her: 'Leave this holy House for this is a House for prayers, not a place for the delivery of children.' Accordingly, she left the holy House and went to the wilderness where she gave birth to Jesus. But when my mother, Fatima Bint-e-Asad, felt labor pains within the precincts of the holy Ka*ba, she clung to the wall and prayed to Allah in the name of that House and the builder of that House, to lessen her pain. Soon a fissure appeared in the wall, and my mother heard a mysterious voice telling her, "O Fatima! Enter the House of the Ka'ba.! She went in, and I was bom inside of the holy Ka'ba."

Q.18: ON SHI'A TRADITION'S PRESERVATION:

What is your response to those who claim that the Shi'a traditions have not been preserved?

A: Abu Bakr and 'Umar forcefully suppressed narration of the Prophet's traditions, and burnt and destroyed their own and other companions' collections. This continued for a century, until the caliph 'Umar ibn 'Abdul 'Aziz (reigned 99-101 A.H.) asked az-Zuhri to compile the traditions. By that time, Umayyads[1] propaganda department had spread tens of thousands of forged traditions throughout the Muslim empire. It does not require a great intelligence to realize that all the collections of *ahadith,* beginning from az-Zuhri and ending a few centuries later, must have contained mostly the same fabricated traditions.

So, this is in a nut-shell the real situation of the Sunni collections of traditibns.

As for us the Shi'as, our Imams, right from the first Imam 'Ali ibn Abu Talib (as.) to the 11th Imam Hasan al-'Askari (as.) always instructed their companions to write down whatever they hear from them. In this way hundreds of "note-books" were prepared which were used by the Shi'as for their guidance. (See my book, *The Qur'an and Hadith,* for detail.)

Now you may decide for youself which sect's traditions have been preserved.

However, our treasures of knowledge have suffered from the blind hatred of the Sunni rulers and masses. The precious books of the library of ash-Shaykh at-Tusi (died 460 A.H.) were repeatedly plundered and burned in Baghdad. It was this barbaric behaviour of the Sunni masses which compelled at-Tusi to migrate from Baghdad to Najaf where he founded the Hawzah 'Ilmiyah which is still alive in spite of many ups and downs. Mahmud of Ghazna ordered the great library of Sahib ibn 'Ubbad to be burnt. This attitude has continued uptil now. When Israel attacked Lebanon in 1980's, its soldiers were especially instructed to burn down the library of the late as-Sayyid Mohsin al-Amin (d. 1952 C.E.). Thus a great collection of rare manuscripts was lost for ever.

Despite such viccisitudes, our collection is very rich. Suffice it to say that the first of the four early collections, *al-Kafi,* contains more traditions than the six "authentic" books of the Sunnis put together.

Q.19: DHULFIQAR & CALL FROM JIBRA'IL:

According to 'majalis' that we have been hearing for years, Imam Husain (a.s.) while fighting at Kerbala was instructed by Jibra'il to stop fighting as the latter had been instructed to take possesion of the 'Dhulfiqar' and for Imam Husain to fulfill his promise (i.e. of his death in the way of Allah).

A: It is the first time that I am hearing this story about *Dhulfiqar.* It is rubbish.
Regarding the call from the sky to Imam Husayn (a.s.) to stop fighting: This myth was

started by poets, and was taken up by Zakirs. But it has no basis at all.

Q. 20: NAFS ZAKIYYAH AND AL-QA'IM:

In Kitab-al-Irshad (the book of guidance) by Sheikh Al-Mufid on page 541 concerning the re-appearence of the 12th Imam, I quote: "A pure soul (nafs zakiyya) will be killed in the outskirts of Kufa with 70 righteous men"; again on page 545: "there is no longer than 15 nights between the appearance of the one who will rise (al-qaim) PBUH and killing of the pure soul (al-nafs al-zakiyya)." I would like to hear the significance of both these statements as well as any other information on al-nafs al-zakiyya in connection with the re-appearance of Al-Qaim (PBUH).

A: I think you are perplexed because Muhammad, a grandson of Hasan Muthanna and Fatima Kubra, was killed fighting near Medina against the forces of Mansur, the 2nd Abbasid king, and that Muhammad was called *Nafs Zakiyya* (pure soul) because of his piety. But it was merely a coincidence. The said prophecy does not refer to that "Nafs Zakiyyah"; and the same prophecy was being repeated even by later Imams.

Q. 21: LAYLATUL-QADR AND IMAM-E-ZAMAN

Can you please explain in detail from Qur'an & hadith, the relationship between Shab-e-Qadr & Imam Zamana (a.s.).

A: According to Sura Qadr, the Spirit and the angels descend in the Night of Destiny with all affairs, and this continues upto the dawn-break. Obviously when the Spirit and the angels come down with the final decisions about all affairs, there must be someone on this earth to receive them and their messages. That personality who receives the decisions concerning every *amr* (affairs) is *Sahebul-Amr* (as.). Also, as we do not know which is the Night of Destiny, but have a firm belief that it is one of the Ramadhan nights, likewise we do not know who is the *Sahebul-Amr* (a.s.), but have a firm belief that he is one of the inhabitants of this earth.

Q. 22: HOMES OF 313 SUPPORTERS OF IMAM MAHDI (A.S.):

You must have come across the tradition narrated by Asbagh Ibn Nubatah from Hazrat 'AH (a.s.), in which the places of origin of the 313 supporters of Imam Al-Mahdi (a.s.) are mentioned — with names of some of them. It is given in the book 'Al-Mahdi (a.s.)' of Sayyid Sadruddin Sadr. Could you please comment on its authenticity?

A: I do not have the book mentioned by you. But I have seen *ahadith* like that in several places, all contradictory to each other. As a general rule, *ahadith* dealing with signs of the day of judgement and those describing the events after re-appearance of our 12th Imam (a.s.) are counted among *mutashabihat;* we read them and believe in them, but leave their true meaning and interpretation in the hands of Allah.

Q. 23: ARE MAHDI AND 'ISA ONE & THE SAME:

Is Hazrat Mahdi (a.s.) the same as Hazrat 'tea (a.s.) who will come to kill Dajjal?

A: Hazrat Mahdi (a.s.) is from the progeny of Hazrat 'Ali and Fatimah (peace be on them both) while Hazrat 'Isa (a.s.) is the son of Hazrat Maryam (a.s.). Obviously they are two different personalities. How can two different men be counted as one? For further details see my book, *Muhammad (s.a.w.) Is The Last Prophet.*

Q.24: WHY SUCH DETAILED MASA 'IL IN FIQH?

Islam is supposed to be a simple NATURAL religion. Why then does it have 2500 plus laws? I do understand that all the laws are not for one person. But why for each simple case there are ten laws regarding it? For example in, the case for Mayyit (according to the Masael of Agha Seestani) there are laws about the three types of ghusl to be given to a dead body. fine, this is understood. But what follows is about Jabirah, then followed by a sequence of Tayammum for a simple change in condtions, then comes about the Kafan and its rules then burial and its rules. So, in general an aspect like death has involved about 25 pages i.e 120 plus masaels. Why?

A: When you would become as old as I am, you will find that the rules of *jabirah* and *tayammum* are extremely necessary especially in this age when various types of accidents break and disfigure the bodies. You yourself have admitted that all the laws are not for one person. Then why object on the shari'ah's comprehensiveness? Or, do you want to say that Islam should have merely said: “Wash the dead body, wrap it in a cloth and bury it.” It would not have taken more than one line!!

It will be of interest to you that nowadays a lot of European Christians are entering the fold of islam, precisely because the Islamic shari'ah contains guidance for every conceivable eventuality. What you think is a defect of Islamic shari'ah is a highly appreciated virtue in those Europeans' eyes.

Q. 25: DIFFERENCE BETWEEN AN 'ALIM AND A MUJTAHID:

I understand that taqleed is necessary for me. Who are out mujtahids? Meanwhile, could I take my rulings from you as an 'Alim? By the way, what is the difference between an 'alim and a mujtahid?

A: The word *'mujtahid'* literally means the one who strives. In Shi'a terminology it means an *'alim* who having acquired all necessary disciplines of Arabic language, Islamic history, *tafsir* of the Qur'an, traditions of the 14 *ma'sums*, and other related branches of Islamic knowledge, strives hard to derive the rules of shari'ah from its approved sources.

Usually there are hundreds of *mujtahids* at a given time. But we do *taqleed* of only that *mujtahid* who we believe is "most knowledgeable" of all others. In our terminology, "most knowledgeable" is the one who has got the top-most expertise in deriving the rules of shari'ah from its approved sources.

You must have now understood that every *mujtahid* is an *'alim* but not every '*alim* is a *mujtahid*.

Even if you bring to me any religions problem, I will write to you the ruling of Ayatullah Sayyid 'Ali as-Seestani of Najaf (Iraq), whose taqleed I am doing.

Q. 26: WHY DIFFERENCES BETWEEN MUJTAHIDS?

We see great differences between the rulings of Ayatullah al-Khou'i and Ayatullah Gulpayagani on the subjects of Friday prayer and moon-sighting.

My Shi 'a belief has taught me that "Awwaluna Muhammad wa akhiruna Muhammad, wa awsatuna Muhammad, wa kulluna Muhammad" —- This legacy has been intact with all our twelve Imams. After Imam Mehdi's ghaibat, there are naib-e-Imams. And it shows that the legacy mentioned here has been cracking as each naib gives a different view on the above matters.

Furthemore, in accordance to some verses of the Qur'an, the taqlid we staunchly believe is invalid. Hence to do taqlid is hot according to Islam.

A: Here you have made the mistake of equalizing *ghayr-ma'sum* mujtahids to the *ma'sum* Imams. The tradition you have quoted is for the 14 ma'sums only.

As for Ijtihad and Taqlid, you should read the replies to questions 18 arid 19 in *Your Questions Answered, vol .6* (pp. 24-30) which will dispel your misgivings. As for the differences among mujtahids' rulings, read below:;-

The institution of *Ijtihad* is based on the direction given by the 6th Imam (a.s.) when he said: "On us [i.e. the Prophet and the Imams] is to give you the roots, for you is to develop branches." This continued for more than a century until the minor occupation began in 260 AH. From 260 to 329. the Imam (a.s) appointed four "special deputies" one after another to serve as a link between the Imam (as.) and the believers. Then that system was discontinued and the guidance of the *ummah* was left to that person among *fuqaha*' who protects himself (from sins), opposes his desires and obeys his *mawla*"; and the public was told to do his taqleed. These *fuqaha* (jurisprudents) were not appointed by the Imam, although as an honorific they are called, *na'ib-e-Imam* (deputy of Imam), but they are *na'ib-e'am* (general deputy) not especially appointed ones.

These *fuqaha*' strive hard to derive a rule of *shari'ah* from the approved sources. But while interpreting relevant Qur'anic verses arid tradtions, they use their own brains and think with their own minds. Hence, the difference in some rulings.

It is not unlike judiciaries all the world over. A magistrate hears a case, listens to evidence and then gives a judgement. Then an appeal is filed in a judge's court, he studies the same file, and listens to the parties' arguments and then writes his own judgement overturning the lower court's decision. If then the case goes to the High Court, the judge gives his decision, sometimes favouring the magistrate, sometimes the judge and sometimes neither. So you see, the facts and the laws are the same but their interpretations and applications go on changing. It is but natural.

Q. 27: TAQLEED OF A LIVING MUJTAHID:

I was doing Taqleed of Ayatullah Gulpayegani, who expired 3 years ago. Am I required to change the Taqleed to one of the living mujtahids?

A: Yes. And if you want my advice, then you should do Taqleed of Ayatullah Sistani of Najaf. You may get his Arabic and English books of Fiqh from the following address:

Islamic Education Board,
Darut Tabligh,
Jackets Lane, Harefield,
Middlesex UB9 6PZ
U.K.

Q. 28: SOME INDIAN MUJTAHIDS:

Could you name a few of present or past Mujtahids from India?

A: There were scores of *mujtahideen* in India in the past.

1. Ghufran-ma'ab Sayyid Dildar Ali;

2-6. his five sons: Sayyid Muhammad, Sayyid Ali, Sayyid Hasan, Sayyid Mahdi and Sayyid Husain;

7. Baqiru 'l-'uloom Sayyid Muhammad Baqir;
8. Najmul-'l-'ulama' Sayyid Najmu 'l-Hasan;
9. Nasiru 'l-millat Sayyid Nasir Husain;
10. Sayyid Sibte Nabi of Amroha;
11. Sayyid Rabat Husain of Gopalpur;
12. Sayyid Amjad Husain of Allahabad.

These are only a few names which come to the mind without consulting any book. There were many more. Now there is no one of that calibre.

Q. 29: WHY PARTICULAR SYSTEM OF SLAUGHTERING ANIMALS?

What is the significance of doing Halaal? Why do you have to place an animal in the direction of Quibla then say Bismillah? Why not just say Bismillah with a clean intention?

A: The animals have not been created by us, they are the creatures of Allah. It is His favour and grace on us that he has allowed us to eat their meat. Therefore, it is necessary to invoke His name at the time of slaughtering them, so that we may show our gratitude to Allah and establish our right for killing and eating them.

As for facing the direction of Qiblah. its reason is not difficult to understand. It is the same reason for which we are ordered to face towards Mecca during prayers. And that reason is the manifestation of the universal unity of the Muslims, all of whom turn towards the Ka'bah for prayers and on certain prescribed occassions.

Q. 30: RIGHTS OF ANIMAL IN ISLAM:

Can you briefly allude to the rights of all living thing besides man?

A: It is a lengthy topic. However, a few main points are given below:

Wild Animals:
Hunting for pleasure or sport is *haram* (unlawful.) It is allowed only if the aim is to eat its meat or to trade its meat and/or hide.

Domesticated animals:

1. It is wajib to look after them properly by feeding them and protecting them from cold or heat etc.
2. It is haram to hit them on the face or head.
3. It is not allowed to brand them on face.
4. According to the traditions narrated from the Prophet (s.a.w.a.) and the Imams (a.s.), a domesticated animal has seven rights on its owner:
    1) When he gets down, he should begin with feeding it and giving it water before himself eating;
    2) If during a journey, he passes by a stream or pond of water, he should take the animal to it;
    3) He should not hit on its face, because it glorifies the praise of its Lord;
    4) Not to ride it except in the way of Allah {i.e. for lawfijl purposes};
    5) Not to put heavy load on it beyond its normal strength;
    6) Not to make it run beyond its strength;
    7) Not to use its back as a seat for talking with friends/companions.

Q. 31: HARAM MUSIC?

Is music haram in religion?

A: Yes, it is forbidden. I am sending to you a booklet, *Music and Its Effects*, which explains various aspects of this topic. However, it should be mentioned here that the Prophet (s.a.w.a.) spoke Arabic and his immediate audience were Arabs. Therefore, Allah Subhanahu wa Ta'ala used plain Arabic language for revelation and promulgation of the *shari'ah*. All the words were used in their normal and prevalent meanings except a few which were given new connotations, like *salah* and *zakah* which originally meant invocation and purification, respectively, and the *shari'ah* gave them new meanings as we know them.

"Music" was not given any new meaning. Therefore, it is to be taken in its usual meaning. Past scholars, never the less, had tried to define "music" as a prolonged voice with varying pitch. Nowadays, they explain it as a voice which arouses base desires and lust in the listeners. Some say that it is a voice that is more in keeping with gatherings of irreligious people. But I feel that the explanation given by late Ayatullah As-Sayyid Abul Qasim Al-Khou'i (and later
adopted by ayatullah As-Seestani) is the best. He has written that music is the sound which irreligious persons recognise as music. Thus he has thrown it back to the general usage, (which is the proper way of explaining a word to which islam has not given a special meaning).

Q 32: DEFINITION OF MUSIC:

In your book "Your Questions Answered,. Vol.III, in reply to Q. 56, you have written about Music. "To recite or listen to the words of a song without any music is permissible provided it is not obscene and/or immoral."

Now according to Ayatullah Al-Khui, to recite Munajaat or Marthiyah in tune of a song is Haram, then do you think it is allowed to recite the following Munajats which are indeed film songs..

- *Film Dayare Madina-madad kijie Taajdaare Madina' or nowadays ladies recite of 12th Imam 'madad kijie Ya Imame Zamana'.*
- *Film 'Niaz or Namaz' - 'Ai Momino niyaz dilawo Imam ki' which is recited on the 22nd of Rajab on sufra of the 6th Imam,*

A: Late Ayatullah al-Khou'i had defined the music as the sound which irreligious people recognise as music. Ayatullah Sistani has used another wording to express the same idea. He writes that the *haram* music is the one which is befitting to the gatherings of pleasure and debauehery.

To identify which sound is *haram* music and which is not, one has to look how the general public treats it. If they say, "He is reciting the poem (or nawha or marthiyah) in a good voice, then it is *halal*. But if they say, "He is singing the marthiyah etc. then it is *haram*.

Q, 33: WHY JIHAD IN A RELIGION OF PEACE?

Islam is a religion based on the fundamental concept of peace. How do you reconcile this idea with the concept of Jihad?

A: Your question requires some detailed explanation, Islam does not like to exterminate wrong-doers, it wants to remove the wrong. Evil deeds are like diseases. They need treatment, and every doctor wants to cure an ailment with medicine as far as possible. But sometimes the ailment reaches a stage where no medicine can do any good; the doctor feels that surgical operation is necessary, if the life of the patient is to be saved. Then he decides, not happily but reluctantly, to ampute one or more limbs of the patient. It may

cause hardest pain for the time being; but it is not torture, it is mercy.

Likewise, this humanity is a compact body. If some of its parts become infected with spiritual diseas and every medicine of sympathetic persuasion and rational pleading has failed, and there is a danger that the infection is going to inflict damage to other parts; now the spiritual doctor, (I mean the Prophet or Imam who is guided by Allah), is confident that a surgical operation is essential to save other sections of mankind from harm. Then, and only then, he will order jihad; and even then it will be limited to that part which is most necessary to remove.

However, even when you feel that there is a necessity of a surgical operation, you will not entrust this dangerous task to an unauthorized person. It will be a very foolish and irresponsible act. You can never be sure that the operation is essential unless a qualified doctor tells you so. Therefore, according to the Ithna-'asheri law, a war cannot be started unless specifically authorized by the Prophet or Imam himself, and that also to the limits prescribed by that Representative of Allah. After all life is a creation of God and it should not be destroyed unless it has been sanctioned by a Representative of God.

Q. 34: WHY INTERNECINE STRIFES BETWEEN FOLLOWERS OF ISLAM?

You said in your lecture that Islam is based on social justice. Why has Islam failed to establish practical social justice in the Midle-East where we have seen wars between Iraq and Iran and between Iraq and Kuwait?

A: You should not confuse Islam with the Muslims. Social justice needs a society based on Islamic ideals, and that in turn requires a righteous system of government which draws its strength from the Qur'an and sunnah. Nowadays there are nearly forty five "nations" that are populated predominantly by Muslims. But their system of governance is totally unIslamic. Even the idea of "nation-states" is a legacy of the *Kuffar* (infidels) of Europe. In the eyes of Islam all Muslims are one nation. Allah Subhanahu wa Ta'ala says: *“Surely this your nation [or religion] is but one nation, and I am your Lord, therefore worship Me*.” (21:92) But the Europeans sowed the seed of "nationalism" in the minds of the Arabs and nurtured the idea — with the sole aim of dissecting and annihilating the Ottoman empire, which, in spite of all its short-comings and defects, had kept the whole Middle East together under one Muslim ruler. Look at the map of the Middle East; you will find numerous "nation-states" in it like pieces of a jig-saw puzzle. And these states are always in conflict with one another; they are merely puppets whose strings are pulled by their Western and Eastern puppeteers. It is a very painful story and cannot be described in a short letter. But this much is enough to tell you why there is always one or the other conflict in the Muslim lands.

Q.35: HOW TO UNIFY VARIOUS SECTS?

What is the basic difference between the various sects of Muslims and what remedy you do suggest for removing these differences.

A: I am sending you a small booklet of mine, Sects of Islam, which will give you an idea of the differences.

At present, it is impossible to remove these differences. We have to wait for the re-appearance of al-Imam al-Mahdi (a.s.) who will establish the rule of God on the earth, and the original Islam will prevail over all other beliefs and ideologies.

Q. 36: HOW DID MUSLIMS COMPARTMENTALIZE ISLAM?

You mentioned that Muslims have compartmentalized Islam in pigeon holes; can you perhaps explain why this has happened?

A: It is not possible to say at which point of history this thing had happened. As for why, I think this phenomenon crept into Islamic academic life imperceptibly. Let us say, a scholar is very fond of *hadith*; he spends his time in pondering on its various aspects. Another is enamoured with jurisprudence; he thinks over and solves legal problems. Each trains his disciples in his own field, and thus a time comes when a jurist is not so proficient in *hadith*, and a *muhaddith* has no expertise in jurisprudence. In this way different "pigeion holes" were created in Islam.

Q. 37: WHAT IS THE PATH OF SPIRITUAL JOURNEY?

You said that jurisprudence is the starting point of Muslims' spiritual journey. To gain excellence one has to go on spiritual path to one's final destination. What is this path?

A: I am a sinful man, and am not in a position to provide guidance to you from personal experience. However, I have studied biographies of many men of God, and based on that, I can tell you that there are some very important steps which one has to take in order to proceed on this lofty spiritual path.

First of all, you should cleanse your tongue from all types of undesirable talk:backbiting, falsehood, slander and tale-bearing etc.

Second: Make sure that the food and drink going into your mouth is of halal category, and you have obtained it by halal means.

Third: Always remember that you and all that you have, belong exclusively to Allah Subhanahu \va Ta'ala, and you should always be ready to sacrifice or abandon all if He demands it from you.
Forth: Reserve at least half an hour for the study of Qur'an. Merely its recital brings divine reward to you: but if you ponder on its translation and its deep connotation it can change your life.

Fifth: Pray *nawafil* with all five *wajib* prayers. And make *tahajjud* prayers a compulsory part of your routine.

Sixth: Keep sunnat fasts on Thursdays regularly.

Seventh: Make sure that you fulfil the rights of the parents, the children, the spouse and other relatives. Also be careful about the rights of your neighbours. You may learn about these rights from my book, *Family Life of islam.*

If you follow this regimen sincerely, a time will come when you will enjoy Allah's worship and truly feel the taste of obedience to Allah and His Messenger. That is the sign that your endeavours are succeeding and your are proceeding in the right direction.

May Allah give you and me the tawfiq to acquire these noble traits and virtues. Amen.

Q. 38: SPIRITUAL DEVELOPMENT OF SOCIETY:

What is the best way to develop spirituality in innerself and in the society as a whole.

A; For personal development, the regimen given in preceding reply should help. As for the society, it needs a government based on Islamic values to bring societal upliftment in the desired manner. Please note that a government based on Islamic values is not the same as a government run by the Muslims. A system of governance based on Qur'an and sunnah will create the atmosphere conducive to the society's spiritual development.

Q.39.HOW TO COUNTER ANTI-ISLAMIC PROPAGANDA?

How is the Charter of Imam Zainul 'Abideen relating to us (Muslims) in the light of considerable propaganda from the western media? In other words, how do we counter it and propogate Islam as religion of PEACE?

A: Prejudice is born from the womb of ignorance. If we try to remove or decrease the prevalant ignorance about Islam, this unremitting onslaught against this noble religion will stop. That is, if it emanates from ignorance. But, if it is the result of wilful slandering, then it is not easy to counteract --- except from the position of power. Allah Subhanahu wa ta'ala has given the Muslim rulers enough power to make the West kneel down before them. But these rulers are blind to the realities. If they start withdrawing their petro-dollars from western banks, the West's attitude will change in one week. May Allah have mercy on the Muslim masses and release them from the clutches of these puppet regimes.

Q. 40: CHARTER OF RIGHTS:

Is this Charter of Rights available in English and where?

A: Yes, it was translated by me in 1968; and published in Karachi and Vancouver (Canada). Now it is going to be printed in Dar es Salaam. At present you may order it from:

Syed Muhammad Rizvi
7 EL Dorado Street
Richmond Hill, Ontario,
Canada L4C 0G9.

Q. 41: CONDITIONS FOR CUTTING A THIEF'S HAND:

I wonder if the Shari'ah law of amputating a thiefs hands is acceptable in the eyes of Allah, if a person is forced by abject poverty to steal food items?

A: No. His hand will not be amputated.

The Islamic shari'ah is not blind to the realities on the ground. I think I should give you a short description of the conditiona which should be kept in view before deciding such cases.

(1) The thief must be adult, sane, and a free man;
(2) he should not have taken it thinking that it is his own thing;
(3) the alleged thief is not a joint owner of that thing;
(4) the stolen thing was kept in a safe place (for example, under lock) and the thief did break into it either alone or with the help of others; If someone else broke the lock, and afterwards the thief entered into the place and took something from there, his hand will not be amputated;
(5) the thing stolen is not the property of his son (If a father has stolen from his son, he will not be given that punishment of cutting the hand);
(6) he takes it stealthily, not openly;
(7) the stolen thing is at least equal in value to 21 grm. of gold.

If one steals food during a general famine, his hand is not to be cutoff.
If all conditions are fulfilled then according to the Qur'an, his hand must be cut off. In Shi'a

Shari'ah, 'hand' here means 4 fingers of the right hand.

Q. 42: CONDITIONS AND PUNISHMENT OF APOSTACY:
What is the meaning, conditions and punishment for ridda?

A: *Riddah* or *irtidad* means apostasy.
First, let me describe conditions and various ways of apostacy:-

A) Conditions of Apostasy:
Five condtions must be fulfilled before a person could be declared a *murtadd* (apostate):
1) & 2) He must be adult and sane;
3) He must be knowing what he is speaking. If a word of *kufr* (disbelief) slips out of his tongue without his having any intention to do so, it would not be held against him.
4) He should be knowing that it is a word of *kufr* and then uses it in that same meaning. If he speaks a word of *kufr*, without knowing its meaning, or uses it in some other lawful meaning, then it would not be held against him. If he knew that it was a word of kufr and used it in the same meaning, he would become *murtadd* and *najis*, even if he was not aware of the consequences of his utterance.
5) He should utter a word of *kufr* by his own free will. If he was forced to say such words and he did so to save his life (i.e. in taqiyyah), then it would not be held against him.

B) Apostasy may occur through heart, tongue and/or action:-
- **Apostasy through heart:** If someone disbelieves after believing or harbours doubt after being sure.
- **Apostasy through tongue:** When he denies the existence or oneness of Allah, or refutes God's justice or knowledge etc., or tries to show that God's actions are aimless or against Wisdom, or rejects any of the *Zaruriyat-e-deen* like prayer, fast, zakah, hajj, or disparages religion, *qiyamat*, Qur'an or *hadith*.
- **Apostasy through action:** When someone, say, throws the Qur'an down (with intention of insulting it), or with that intention tears it down, or kicks at it or throws it into a dirty place. The same is the rule if he insults the books of *du'a*, or *hadith*, or the names of Allah

C) There are three things which, without any difference of opinion, make a person *kafir*:
1. Denial of any one of the *Zaruriyat-e-Deen*. Some of its examples have been given above.
2. Objecting to any command of Allah. It was this offence because of which Satan became *kafir*; otherwise he believed in one God, Qiyamat and almost all divine commands; but he objected to one order given by Allah and became *kafir* and accursed. The objection was: Why did you order me to do sajdah before Adam while I am superior to him?
3. To treat any divine order with disdain even if it is a *sunnah* law. For example it is *sunnah* that moustache should be trimmed; now if someone disdainfully says: What nonsense is this? Or, what it has got to do with *shari'ah*? He will become kafir:

Now we come to the categories of apostates and their punishments :-
Murtadd is of two kinds: *Murtadd fitri* and *Murtadd Milli*.

Murtadd Fitri: A person both (or at least one) of whose parents were Muslims at the time of his conception, and then he/she, on attaining majority, renounces Islam by his own free will.

The rules about *Murtadd Fitri* differ according to the sex of the offender, i.e. there are different rules for males and females.

A male *murtadd fitri* is to be killed. He is *najis*; his wife becomes *haram* for him, and she will observe *'iddah* of death; even during his life; he loses all rights in his property—after repaying his debts the residue will be distributed among his Muslim heirs. And his repentance is not acceptable in this life, according to the well-known ruling of the scholars. But Ayatullah al-Khoui says that obviously his repentance is acceptable in the hereafter and to a certain extent in this life too. Accordingly, if he repents he will become *tahir*, and if his former wife agrees he may remarry her in a fresh marriage. In short, he will be treated as a Muslim—but even then he shall not regain possession of his property unless the heirs willingly return it to him. Likewise the sentence of death shall not be waived even after repentance.

If a woman becomes *Murtadd (Fitri)*, she becomes najis; and haram on her husband, but she does not lose her property, nor is she sentenced to death; and her repentance is accepted. If she refuses to repent, she will be imprisoned for life.

Murtadd Milli: A person who was not born of a Muslim parent; and accepted Islam after attaining majority and later renounced it.

He should be told to repent. If he repents within three days, his repentance will be accepted. Otherwise he would be killed on the fourth clay. His Muslim wife will become *haram* for him, i.e. the marriage will become invalid automatically, and she will have to observe the *'iddah* of divorse if the marriage was cosummated, but if he repents during her *'iddah* period, the marriage will continue without there being any need for a new *nikah.*

Murtadd Milli is debarred from managing his property (althought he remains its owner). If he repents, he will regain its management; otherwise he will be given his essential requirements from it until he dies; after his death, the property will be divided among his Muslim heirs.

Q. 43: SOME ITEMS OF SEA-FOOD:

What is the fatwa of Late Ayatullah Al-Khoui or Ayatullah As-Sistani about eating crabs, squids, sturgeons, lobsters, ducks and rabbits?

A: Duck is lawful without doubt. Crabs, squids and rabbits are haram. Sturgeon reportedly has a few scales; therefore this fish and its eggs (caviar) are *halal*. Lobster like squid and crab is not counted as fish; and is *haram*.

Q. 44: LEADERSHIP OF JAMA 'AT:

(a) Can we vote for a leader or a person in any position to represent the community if we are certain of his shortfall in religious behaviour?
Can this community have leaders who are not religious or who have no warmth for religious beliefs?

A: "Leadership of Jamaat" is not a position laid down by *shari'ah*; it is an *'urfi* institution, i.e. based on conventional or customary system and practice. As such a Jamaat or community, in most of the cases, gets the leaders it deserves; and the leaders' moral

excellence or decadence serves as a mirror of the moral standard of the electors. It is they who elect the leaders and it is for them to think beforehand what type of representatives or leaders they want to choose.

However, if that position of leadership entails *mutawalliship* of waqf properties, then the relevant rules of *shari'ah* will apply, which I append below:

If the *waqif* (who has made the *waqf*) has stipulated that the *mutawalli* should be *'adil*, then a *non-'adil* cannot become *mutawalli*; and if he was *'adil* when he was chosen as *mutawalli*, but lost his *'adalat* afterwards, he will at once lose his *mutawalliship*, *ipso facto*. But if there is no such laid down condition (as is usually the case in the *waqfs* of the Jamaats in Africa and other countries), then it is not necessary that he should be *'adil*. What is essential is that he should be honest and trustworthy. If such a *mutawalli* mismanages or usurps *waqf* property, the electors should remove him from that position, and if that is not possible, then the mujtahid after some intermediary steps has the ultimate authority to dismiss him.

b) *If a person is holding any position already and he/she openly violates the religious duty, eg. usurping the rights of the orphans, is it wrong to point out his defects in person with guidance from the Holy Qur'an with the aim that he may opt to reform?*

A: Nahy 'anil munkar should be done in private, if there is hope that he would reform himself. If there is no such hope, then Nahy 'anil munkar is not wajib on you. Other necessary actions then should be taken.

Q. 45: DONATION BY A NON-MUSLIM:

Can Jamaat accept any donations in cash or kind from any non-Muslims to be used in Jamaat's affairs?

A: Accepting donations from non-Shi'a or non-Muslim individuals or groups (which are not openly hostile to Shi'a faith), in itself, is allowed. But the following points should be kept in mind:

1. Such acceptance should not be against the dignity and honour of the Jamaat.
2. Such donation may be used for general social services, but not for masjid and the matters related to *namaz* and *'Ibadat.*'

Q.46.IS SHAVING BEARD HARAM?

Is shaving beard haram? Some people argue that it is not mentioned in the Qur'an or hadith Please clarify.

A: It is haram to shave beard or to trim it so closely that it looks like shaving. This rule is based on hadith. There are about ten ahadith on this subject, one of which is given here as example:

'Ali (a.s.) said that the Messenger of Allah (s.a.w.a.) said: Shaving beard is mutilation, and on him who mutilates is the *la'nat* (curse) of Allah.
(Jami' Ahadith ash-Shi'a; Qum; 1410; vol.16, pp.607-609)

As for the Qur'an, everyone knows that the Holy Book does not give detailed rules. Can those people show us from the Qur'an, how to pray a 2-rak'ah prayer? Detail are found in the ahadith. For example, there is the aya 2:124, which says:
"And when his Lord tried Ibrahim with certain words, he fulfilled them."

The *hadith* which explains the "certain words", says *inter alia*: . ..Then Allah revealed to him the *hanifiyah*, and that is parity; it consists of ten things, 5 in the head and 5 in the (rest of) body. The items concerning the head are: Trimming the moustache, growing the beard, keeping the (head's) hair clean, brushing the teeth and using tooth-pick; and the five concerning the (rest of) body are: removing hair from body, circumcision, trimming the nails, the bath of *janabat* and cleansing (the body) with water; these five are in the body. And this is the *hanifiyah* (purification) which was brought by Ibrahim; and it will not be abrogated upto the day pf resurrection, and this is the meaning of the word of Allah; *"And follow the religion of Ibrahim, the pure."* (Qur'an, 3:95).
(The same book, pp. 608-609)

Please mark that some of the ten items are *wajib* and some highly emphasized *sunnat.*

Ayatullah Sistani, like other mujtahidin, says that shaving the beard is haram and it is wajib ihtiyat not to shave.

Late Ayatullah Khoui was asked: "What is the punishment of the man who shaves his beard?" He replied: "There is no punishment in this world; as for the punishment in the *akherat* he is liable to enter the hell." In reply to other questions, he wrote that the evidence given by the one who shaves beard is not acceptable.
(Masa'el wa Rudud, Part 1, Qum 1412, pp. 75-77).

Q. 47: IS PLAYING CARD LAWFUL?

Is playing card lawful?

A: Card is one of the main "instruments" of gambling; and playing with any such thing (even without wager) is definitely haram and a major sin. Allah says about gambling:
"O you who believe! Intoxicants and games of chance (i.e. gamblings) and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanliness, the Shaitan's work; shun it therefore that you may be successful. The Shaitan only desires to cause enmity and hatred to spring in your midst by means of intoxicants and games of chance, and to keep you off from remembrance of Allah and from prayer. Will you then desist?" (Qur'an, 5:90-91).

There are dozens of ahadith which very strictly prohibit all instruments of gambling. As for the games with cards, someone had asked late Ayatullah Khoui about it attaching 10 cards with the question. He fully explained that a pack contains 52 cards; they are used in various games with different names and various numbers of cards. Some people play it with wagers, others play with it just as a recreation. Ayatullah Khoui replied:
"It is not lawful to play with it at all, whether with wagers or for recreation, as it is known that these cards are among the apparatus of gambling."
(*Munyatu 's-sa'il*, Qum, 1412, pp. 174-175).

Another man asked him:
"Is it allowed to play with instruments made for gambling, for example, card, chess, donnah and carram, just for recreation, without wagers?"

He replied: "It is unlawful to play with instruments of gambling which are made for that purpose, even if the players are playing for recreation, without any wager."
(Masa'el wa Rudud, Part 1, Qum, 1412, pp. 119-120).

Q. 48: IS SMOKING HARAM?

Is smoking haram?

A: I believe your question is about cigarettes. Tobacco products are not mantioned in the Qur'an or *hadith*. Therefore, no fatwa can be given which would be applicable to all human beings. Of course, there are certain general rules which cover such cases. For example, a person is not allowed to use a thing which would be injurious to his/her health; but for others the same thing would be lawful. Sugar will be haram for a diabetic man or woman, but not for others. Likewise, if a person believes that smoking cigarettes will be harmful to his/her health, smoking will be haram for him/her; but not for others.

Some of our *mujtahids* have advised the youths not to start smoking; and try to discard the habit in case they have started it.

Q. 49: IS RECITAL OF SHAHADATAYN NECESSARY FOR ENTERING INTO SHI'ISM?

Now that I am following the true Islam as taught by our beloved Prophet and his pure progeny (Allah's blessings be upon them all), am I required to take my shahadah over again?

A: No. The shahadah is recited when one discards a non-Islamic religion and enters into the fold of Islam. But within the circle of Islam, change of affiliation from one school to another does not require a new shahadah.

Q. 50: MINIMUM HIJAB:

What is the minimum requirement of Islamic Hijab?

A: Covering the whole head and body except face and hands upto wrist — without decoration (i.e. make up).

Q.5I: MIXED GATHERING:

If a mixed gathering of women and men is organised, and there is no possibility of preventing it, then is attending such a gathering — religious or otherwise -- lawful?

A: Attending such a gathering with full observance of the rules and when one does not look at the things which are *haram* to look at, is without any difficulty in itself. But if it encourages the women to non-observance of the rules of shari'ah then attending such gathering is not lawful.

Q. 52: LOOKING AT FACE OF A GHAYR-MAHRAM MAYYIT:

I shall be grateful if you will kindly advise me if a ghayr-mahram is allowed, in our Shari'ah, to view the face of a dead man (after having been given Ghusl, Hunoot and Kafan). And in the same way is a ghayr-mahram man allowed to see the face of a dead woman?

A: The restrictions of hijab which are applicable to or about a person during his/her life, continue to be applied after his/her death too.

Q. 53: WHY DIFFERENT PUNISHMENT FOR WOMEN?

If any of your women are guilty of lewdness, take the evidence of four (reliable) witnesses from amongst you against them; and if they testify, confine them to houses until death do claim them, or Allah ordain for them some (other) way.

If two men among you are guilty of lewdness, punish them both. If they repent and amend, leave them alone; for Allah is Oft-Retuming, Most Merciful. (Qur'an, 4:15-16)

Why different punishment meted to women for the same sin?

A: I do not know which translation you have used while writing these questions.You should choose a good translation and avoid confusion which results from motivated and/or mutilated translations. Even some non-Muslims like Arbury have mostly given correct meanings.

In the above quotation, the translator writes in V.16: :If two men among you are guilty of lewdness..." He has added the word 'men' arbitrarily. Does he want to say that the verse speaks about sodomy? Astaghflrullah!

In fact, both verses speak about fornication and adultery. They were revealed in the early Madinite period, when the code of family life was not yet promulgated. In pre-Islamic era, if a married woman committed adultery, she was confined to her room, nobody talked to her, her food was silently put in the room.

In those early days, Allah allowed the Muslims to go on confining them in the house—but not arbitrarily; the said punishment was to be given after four male witnesses have given evidence against them. And the end clause clearly indicates that it was a temporary measure until Allah makes for them some way of release. And that way was opened when it was ordained in the ch. 24 v. 2: "(As for) *the fornicatress and the fornicator, flog each of them a hundred stripes..."*

The verse 16 speaks about unmarried, man and woman, they are "the two among you" (not, two men among you). That order too was abrogated by the v. 2 of ch. 24.

If you think that Islam is prejudiced against women, study the chapter of penal code in any book of *masa'il* and you will see that in most cases, punishment of women is much lighter than that of men.

Q 54: MUSLIM HUSBAND, CHRISTIAN WIFE:

Is it lawful for a Muslim to marry a Christian woman?

A: The Shi'a *shari'ah* allows a Muslim man to marry a Christian woman in Mut'ah form, i.e in temporary marriage.

Q. 55: MUT'AH WITH A CHRISTIAN WOMAN:

And lastly, I have a son by a woman who I am not married to. While in prison, I've accepted Al-Islam and wish to marry her once I'm released. Can I do so even though she is not Muslim.

If so,can I perform Mut'ah with her now? And do we need, witnesses?

A; If she is a Christian or Jewess, and is not willing to enter into the fold of Islam, you may marry her in *mut'ah* marriage, i.e. a marriage for a fixed period. That, period may be short or long.. You may marry her for, let us say, 40 years or even more.
In this connection, you should understand the following points;-

(a) You should ask her not to use liquor of pork at all.
(b) She should agree for the children to be brought up as Muslim.

However, you must realize that a subsequent marriage does not make a previously born child legitimate. Islam will not recognise him as your son or heir.

You may do *mut'ah* with her even now. It is better, but not necessary, to have witnesses during recital of the formula of *mut'ah.*

Q. 56: ARTIFICIAL INSEMINATION OF HUMAN BEINGS:

Does Islam allow artificial insemination of human beings?

A: There can be four situations in this matter:

First: Inserting, inside the woman's womb, the semen of her own husband.
There is no problem in it and the child will be legitimate.

But it should be kept in mind that the only person allowed to do this "operation" is the woman's husband. No other person, male or female, is allowed to look at the private parts of a woman. However, according to Ayatullah sistani, a person, other than the husband, may look at or touch a woman's private parts if her life is in danger or if she is facing unbearable psychological problems and the cure depends on such looking at or seeing. In such a case, a lady doctor may be asked to deal with it. If it is not possible, then a male doctor may undertake this responsibility. Also in both cases, it is emphasized that if the "treatment" may be affected by touching without looking at it, then he/she should not look at it; similarly, if the work may be done by looking at it, without touching, then he/she should not touch it.

If the "operation" is done by a doctor, other than the husband, this action will be *haram* in itself, but it will not affect the legitimacy of the child; he/she will be a legitimate offspring of his/her parents.

These rules concerning the doctor etc. apply to the remaining three ways too; and it should not be necessary to repeat them in every case.

Second: Inserting, inside the woman's womb, semen of someone other than her husband.

This act is *haram* in itself. But if someone does it then the child resulting from this insemination will belong to the man whose semen was used; he will be the child's father as the woman will be his mother; there will be no relationship between the child and the husband of the woman. In short, the child will belong to his/her biolgical parents; all rights and duties as between a parent and a child will be affected here, including the right of mutual inheritance. But there will be no such rights/duties between the child and the husband of the woman. However, the child will not be called "child of adultery", because adultery implies sexual intercourse between a man and a married woman which had not taken place in this case.

Third: The ovum of the wife is fertilized *in vitro* with her husband's sperm; and after some time the fertilized ovum is implanted in the wife's womb.

There is no problem in it and the child will belong to his/her legal parents.

Fourth: The ovum of a woman is fertilized *in virtro* with the sperm of someone other than her husband; and then the fertilized ovum is implanted in that woman's womb.

As described in the second situation, this action is *haram* in itslef; if a child is born it will belong to the woman and that man whose sperm was used. All other details of the second situation will apply here too.

Q. 57: IS SURROGATE MOTHER ALLOWED IN ISLAM?

Nowadays the system of employing "surrogate mother" is spreading. The sperm of a man is inserted into the womb of a woman, other than his wife. They make an agreement with that woman (called, surrogate mother) that she will carry the child for the full term (cir.9 months), but after delivery she will hand over the child to the man whose sperm was inserted; and he and his legal wife will bring the child up as their own child; the surrogate mother will have no contact at all with the child, the surrogate mother is paid heavy remumeration for this "service".
Is this act allowed in Islam?

A: It has been explained in the preceding reply that inserting into the womb sperm of someone other than the woman's own husband is *haram.*

However, if a woman commits this sin and the sperm fertilizes her ovum which develops into a child, then, as was mentioned above, the child will belong to the woman and that man. (See the Second situation above). The legal wife of that man and the legal husband of that woman will have no relationship with that child. All the details mentioned in the preceding question will apply.

Q. 58: COUPLE'S FERTILIZED OVUM IMPLANTED IN A SURROGATE MOTHER

Concerning the above question about surrogate mother, what does the shari'ah say if the ovum of a wife is fertilized in vitro with the sperm of her own husband, and the fertilized ovum is inserted into the womb of a surrogate mother, who carries it for nine months and after delivery hands the child over to the above-mentioned couple? It is done when the above-mentioned wife is unable to carry the child in her womb because of some health problem

A: All the restrictions mentioned in the Question No, 56 under First and Second situations apply here in toto.

As for the child, according to Ayatullah Sistani and a majority of the living *mujtahideen,* it belongs to the man and woman whose sperm and ovum, respectively, contributed to its creation, i.e. to the said man and his wife.

However, almost all of them say that in the matter of relationship between the child and the surrogate mother, *Ihtiyat* (Precaution) should be observed. It means that she should be treated at least as a foster mother and her other sons and daughters as foster brothers and sisters.

Q. 59: A NON-MUSLIM IN A MASJID/IMAMBARA

Can a non-Muslim be allowed to enter into masjid or Imambara? Should he be allowed to touch 'alam or taboot?

A: He should not be allowed to enter into a mosque. There is no difficulty if he enters into *Imambara.* Also, he may touch *'alam or taboot* if he does so with respect and reverence.

Q. 60: LADIES TO SUPERVISE CHILDREN'S PROCESSION:

A procession of small children was taken out in the car park of the mosque and a few ladies assisted thesk children. Ali these ladies were in proper hijab. To this the Jamaat had agreed. Was it lawful, according to the shari'ah, for these ladies to be out in the car park to supervise the children's procession?

A: If all conditions *of hijab* were observed then it was certainly lawful, according to *shari'ah* for the ladies to be out in the car park.

Q. 61: WHY WE DO NOT WASH FEET IN WUDHU

Allah the Almighty has prescribed the way wudhu should be done. He says:
"O ye who believe! When ye prepare for prayer, wash your faces, and your hands (and arms) to the elbows: rub your heads (with water): and (wash) your feet to the ankles." (5:6).
Why are we Shi'as doing the other way completely different from that shown by Allah?

A: I do not know from where you have taken this translation. However, it needs not much intelligence to realize that the words given within the brackets are not in the original Arabic. Also if you look at the Arabic column on the right side, you will see that there is no punctuation mark from the beginning of the verse till it comes to the words, (i.e. to the ankles).
Now read the translation omitting the words in brackets and ignoring the arbitrary punctuation marks. You will find:
"O you who believe! when you prepare (actual trans: rise up) for prayer wash your faces and your hands to (or. as far as) the elbows and wipe your heads and your feet to the ankles."

Grammatically our stand is so clear that the famous Sunni scholar, Imam Fakhruddin Razi has written in his Tafsir Kabir under this verse that the Arabic grammatical rules support the wiping *(mas-h)* of feet.

Also you are advised to read answer to the Question 69 in *Your Questions Answered,* Vol.6, where more detail is given.

Q.62: TAKING HELP IN WUDHU:

Is a 2nd person allowed to help one in doing wudhu e.g. giving him water in his hand from a jug/cup whatever it be, or one should do this job by himself?

A: One of the conditions of *wudhu* is that the person concerned should do it himself/herself. If another person washes his face or hand, for example, or joins him in such washing, the *wudhu* will be *batil* (Of course, if one cannot do *wudhu* by himself, then taking others' help is OK.)

As for the situation given in your question, all I can say is that it is very undesirable. Once Imam Ridha (a.s.) saw Mamun Rashid doing *wudhu* in the same way (His servant was pouring water on his hand) The Imam (a.s.) at once admonished him not to do so, and recited the last verse of the chapter Al-Kahf:...*he should not join any one in the worship of his Lord.* (18:110).

Q. 63: MENOPAUSE:

I am 50 years old and I am still getting my monthly period every month. For the first 5 days I get a few drops only; from 5th to 10th or 15th days I get heavy bleeding which has the signs of haez. I have read masael of Imam-Khui & Imam Seestani also, but I am still confused. Please help. Shall I consider the whole period as istehaza, and perform my Namaz as usual. As I heard that women after 50 years, are having istehaza only.

A: According to Ayatullah Sistani, the age of menopause is 60 years. But, as a matter of *Ihtiyat,* between the age of 50 and 60, non-Qurayshi women (like you) should perform *wajibat* of *Istihaza* and abstain from the things which are *haram* during monthly period. It means that you will do *wuzu* or *ghuls* (or *tayammum* if *ghusl* is not possible or is harmful) as a woman in *Istihaza* is required to do and then pray your *namaz* and keep fast. But at the same time you will not do anything which a woman in *haiz* condition is not allowed to do, i.e., you should not recite those Qur'anic verses in which *sajdah* is *wajib,* should not touch the names of Allah, and Ma'sumeen nor the writing of the Qur'an. Nor should you enter any mosque or put anything in it even from outside.

If for two consecutive months you have seen blood as you have mentioned, then during the first five days, you will treat it as *istihaza Qalila* (without any need to follow the above-mentioned *Ihitayat.)* For the later days when it has the signs of *haiz* blood, you will follow the above rule of *Ihtiyat.*

Q. 64: DID THE PROPHET RECITE SALAWAT IN TASHAHHUD

I was recently asked how is it that we ask for peace and blessing of Allah Ta'ala to be upon Muhammad and his Household (s.a.w.a.) when we are to assume that he never said this in prayer?

A: It is wrong to say that the Prophet (s.a.w.a.) never recited the *salawat* in the prayer. The prayer was taught to the Muslims by the Prophet himself, who used to say: *Pray as you see me praying.* And in this process he used the same wordings which his *ummah* was expected to say. For example, Ibn 'Abbas reports the wordings of *tashahhud* as recited by the Prophet (s.a.w.a.) that he used to say, *inter alia,* "Peace be on you, O Prophet! and mercy of Allah and His blessings." Mark that he said "on you" (not on me) and addressed himself saying, 'O Prophet! *(Sahih Muslim,* vol.2 p, 15; Imam ash-Safi'i, *Kitab al-Umm,* vol. 1, p, 140, Beirut, 1403/1983).

The companion, Ka'b ibn 'Ujrah, reports about the Prophet (s.a.w.a) that he used to recite in the prayer: 'O Allah! send Your mercy to Muhammad and the progeny of Muhammad as You sent mercy to Ibrahim and the progeny of Ibrahim, and send Your blessings to Muhammad and the progeny of Muhammad as You sent blessings to Ibrahim and the progeny of Ibrahim; surely You are Praiseworthy and Glorious." *(Kitab al-Umm.* vol. 1, p. 140).

Thus you see that the *salawat* and *tahiyyat* were being recited by the Holy Prophet himself.

It is not unlike *surah Al-Fatihah,* where Allah^raises Himself and declares, *"Thee alone do we worship and from Thee alone do we seek help."* All this was done to teach the Muslims how to talk to Allah.

Q. 65: THE BASIS OF OUR PRAYER'S METHOD:

Why, based on Qur'an and or hadith, do we as Shia pray as we do?

A: It is not possible to write here reason of every action of prayer in which we differ from our Sunni brothers. In short, you may rest assured that our prayers are 100% based on the Qur'an and the *ahadith* of the 14 *Ma'sums* (a.s.). For example, our 6th Imam, Ja'far as Sadiq (a.s.) once prayed *2 rak'ah* prayer in order to show one of his companions, Hammad ibn 'Isa, how to pray. Hammad later narrated the whole episode in full detail. But even that tradition is too lohg to be translated in this short letter. However, our prayer fits that description perfectly.

Q. 66: HOW TO STAND IN JAMA 'AT PRAYER

Are we to stand in prayer shoulder to shoulder and toe to toe or just shoulder to shoulder? Please explain.

A: It is emphasized that we should stand in a straight line without leaving any gap between two persons. Although there shall be no trouble even if there is a small gap, let us say, about a foot and a half. But standing together without any gap is ideal.

When you stand at the side of another man, naturally you will stand shoulder to shoulder. But how can you stand at the same time "toe to toe"? Islam is a natural religion; you are required to stand in a natural way, and that is all.

Q. 67: 'AMAMAH & 'ABA IN PRAYERS:

We find in the English version of the masa'il of Ayatullah Sistani that wearing turban (amama) alongwith its final fold passed under the chin, and an 'aba on the shoulder is mustahab during prayer. It is claimed by some people that such dresses are meant for 'ulama only; others are not allowed to wear them. Please clarify this matter.

A: It is *mustahab* in itself for all males to wear *'amama* and *'aba* in prayer. However, there could be some secondary considerations which might make this rule inoperative. For example, let us say, you are living in a country or society where *'amama* or *'aba* is not a common dress and is used by only a particular group (like *'ulama').* Now if you, being a non-'alim, are using this dress in prayer outside your home, let us say in *masjid,* somebody who does not know you might think that you are an *imam* of *jamaat* and start his prayer behind you. Obviously it would put him in trouble. Or your friends might think that you were "posing" as an *'alim* and subject you to ridicule.

On the other hand, if there is no such danger then the original rule stands that it is *mustahab.*

In short, in opting for such *mustahab* rules, one should keep in mind the environment and society norms.

Q. 68: BIHAWLILLAH... LOUDLY OR IN WHISPER?

I *ask you about the formula: Bihawlillahi wa Quwwatihi Aqumu wa Aq'ud, whether it should be recited loudly or in whisper?*

A: You can recite it any way you like; but it is better to recite it loudly after the *rak'ahs* in which Surah al-Fatiha and the other Surah are recited loudly, and in whisper in other *rak'ahs.*

Q. 69: CLAY OF KARBALA AND CURE OF ILLNESS:

It is our belief that the earth of Karbala is blessed and a cure for every illness (Khake shafa). Can you please explain this belief and prove it from authentic sources/references.

A: According to well-known and accepted *ahadith,* Allah bestowed three distinctions to Imam Husayn (a.s.) in this world in appreciation of his willingly accepting the martyrdom.

1. Continuation of Imamat in his progeny,
2. acceptance of du'a under his dome, and
3. *shafa,* (cure) in his earth.

In this connection, a few points should be made clear:

1. Eating earth is *haram;* eating the earth of Karbala is the only exception with certain conditions: That the earth should have been taken from its place after certain invocations; a prescribed du'a should be recited before eating it and another du'a after eating it; the amount eaten should be less than a chick-pea *(chana),* because eating it in a bigger quantity or without urgency is strictly forbidden, and as Imam (a.s.) has said, "it would be like eating our flesh."
2. If Allah has issued a firm decree that a certain person will die on a certain day and time, no du'a or medicine (including Khak-e-Shafa) can postpone his death. For details of firm and conditional decrees, see my book, *Justice of God,* available from the Mission.

Q. 70: FRIDAY PRAYERS:

In reference to all books of masaail which I have so far gone through, I found that one who leads Jamaat prayers (of course under certain qualifications as listed therein) can also lead Friday prayers provided he fulfills the conditions of Friday prayers as mentioned therein too. However there are speculations that one who leads Friday prayers is obliged to seek permission from the Marjaa to do so although he does lead daily prayers.

A: Any Imam who leads in daily prayers may lead in the Friday prayers. Even according to *Tahrirul-wasilah* of Late Ayatullah Khomayni (r.a.), there is no additional qualification required for Friday prayer's Imam.

However, in the Islamic Republic of Iran, an Imam of Friday prayer has been given the authority and privilages of a member of parliament. As such, their appointment is in the hands of the *Waliye Faqih.* It is an administrative matter which obviously should not apply outside Iran.

Q. 71: SHI'A IMAM & MALIKI CONREGATION:

I was leading in prayers, and all the congregation follows the Maliki school of Fiqh while I am Shi 'a. Am I allowed to do Taqiyyah? If yes, then in which parts of the prayer?

A: It is a very complicated question. Basically, *Taqiyyah* is allowed to avoid any harm or possible harm to life, honour or property. Apparently there is no such danger in your case. But if you think that if people come to know about your change of *madh-hab,* your social standing, or family relations or your livelihood will be harmed to an unbearable extent, then you should resort to *Taqiyyah,* and pray exactly as the Malikis do.

Also, if you think that by observing *Taqiyyah* you may be able to spread the True Islam (Shi'ism) among your people, you can do so without hesitation.

Q. 72: PRAYING FURADA WHEN JAMA'AT IS IN PROGRESS:

a) Can an individual offer a Furada (separate) prayer at the same time when congregation prayer is being conducted in the same hall of the same mosque?

A: Ayatullah al-'uzma as-Sistani has not written anything about this matter in his book; but some previous *mujtahideen* have written that praying *furada* prayer at the same time and place where and when congregational prayer is being conducted is tantamount to *gheebat* of the Imam of that congregational prayer. Needless to say that *gheebat* is a most serious major sin which will not be forgiven by Allah Subhanahu wa Ta'ala unless the victim of the *gheebat* forgives that person.

Late Ayatullah Khomayni has written in reply to a question that praying *furada* in a place where congregational prayer is being conducted is not *Ja'ez* (lawful), although the prayer is valid." (See *Istifata'at, Vol.1, p. 164).*

b) *If an individual (reasons best known to himselj) doesn't want to pray in congregational prayers due to any particular Imam (leader), is he permitted to pray everyday a furada namaaz (separately) during the same time and at the same mosque when congregational prayers are being conducted?*

A: Late Ayatullah al-Khoui was asked by two persons separately about this problem; one of them wrote:
"Zayd (who is respected by people) enters a mosque when a congregational prayer is going to be held behind an Imam whom Zayd thinks is not qualified for it, because he is not *'Adil'* or his *makhraj* is not correct or because of some other reason. People rely on Zayd's opinion and respect it; if he prays behind him because of *taqiyah* or just pretends to join the congregation (while having *niyyat* of *Furada),* the *mu'mineen* will surely take it as a confirmation of that Imam's qualifications and think that it is lawful to pray behind him. Now what should Zayd do? Should he pray behind that Imam? Or should he go out (of the mosque)? Or should he pray *furada* (separately) which would be an insult to the Imam?"

Late Ayatullah al-Khoui replied: "In the situation mentioned in the question, his only option is to go out. And Allah is Knowing." (See *Masa'il wa Rudud,* Qum, Vol.1, pages 33-34).

Another person asked about the same problem with a slight difference: He was in a gathering and when time of prayer came, congregational prayer was arranged behind someone who, in his views, was not fit for it. If he goes out, it will reflect badly on the said Imam, and if he joins the prayer with *niyyat of furada,* others will take.it as a confirmation of the qualifications of that Imam.

Late Ayatullah al-Khoui replied: "In this situation he may get out by pretending that his nose had started beleeding, or that he had got sovere stomach-pain or something like that." (See *Munyatus-sa'il.* 3rd cd., 1412, Qum. p. 39).

c) *Is it permissible for an individual (praying furada) to recite the two suras loudly at the same time and place where congregational prayers are being conducted and performed?*

A: A man has to recite *al-Hamd* and the other *Surah* in an audible voice in *Fajr, Maghrib* and *'Isha* prayers. The voice should be audible to another person standing with him. It may be even louder, but it should not reach shouting level.

As is clear from late Ayatullah Khomayni's *fatwa,* praying *fiirada* when and where congregational prayer is being conducted is not lawful. Likewise, late Ayatullah al-Khoui tells such a man to go out of that place. If in spite of these *fatwas* somebody prays *furada* at the same time and place where *Jama'at* prayer is being conducted he commits a sin,

but his prayer will not be invalid. However he should keep the level of his voice to the minimum as explained above

d) *When the voice of an individual in the above question is to such an extent which disturbs the Imame-Jamaat or Mamums in the congregational prayers, what the Islamic Law says about such disturbance?*

A: Distrubing a prayer, be it *Jamaat or furada* is an unlawful act, which Islam does not approve, as was clearly written by late Ayatullah al-Hakim and late Ayatullah al-Khoui in *their fatwas.*

Q. 73: TWO ADHANS BEFORE FRIDAY PRAYER?

Why calling two adhans before Friday prayer is not accepted by all Muslims? Who started the 2nd adhan before it?

A: *Adhan* is said when the time of prayer begins. It is wrong to say it before time. On Fridays, since Prophet's time to 'Uthman's early days, the'Imam used to sit on *minbar* (pulpit) when prayer time came, and then *adhan* was called. After the *two khutbas, iqamah* was recited and the prayer started. This *adhan* and *iqamah* together were called two *adhans.* 'Uthman added one *adhan* before the time. It is *bid'ah.* See for reference *Tarikhu 'l-Khulafa'.* Imam as-Suyuti, Delhi ed., no date, p. 154.

Q. 74: WHY DO WE KEEP OUR HANDS OPEN IN PRAYERS?

I would like to know if there is some tradition on the prayers, as the Shi'a and the Malikis hold their hands to the side.

A: Keeping hands unfolded (while standing) is the natural posture, and those who follow it do not need any *hadith* to justify their action. Has any one asked you to quote a *hadith* that you should keep your eyes open during prayer? It is those who deviate from natural way who should justify their behaviour from Qur'an and/or *hadith.*

And when we look at their systems, an interesting picture comes before our eyes.

It appears from some reports that when Iranian prisoners were brought before 'Umar, they stood before him with folded hands. On being asked the reason, they said that it was their custom to stand before the eleders with folded hands. 'Umar said: Then we too should do the same when we stand before Allah in prayers.

That was the beginning. But as I will explain later the idea was not accepted in Medina. There are some pointers which show that it had caught up in the early days of Mu'awiyah's governorship in Damascus. When Anas ibn Malik, a companion of the Prophet (s.a.w.), went to Syria, he wept and said: "I do not see here anything which I used to see in the days of the Prophet (s.a.w.), except this prayer and that too is disfigured." *(Sahih al-Bukhari).*

Then there are these four Imams of the Sunnis. Look at their *fatwas* concerning this matter; and you will see the truth yourself.

1) Imam Malik ibn Anas (died 179) lived in Medina. He orders his followers (the Malikiyah) to keep their hands open, saying that it is the way the people of Medina pray, and they must have learnt it from the Prophet (saw).
2) Imam Abu Hanifah (died 150 A.H.) and Imam Ahmad ibn Hanbal (died 241 AH.) lived in Iraq and they ordered their followers to keep the hands folded.

3) Imam Shafi'i (died 204 A.H.) was born in Mecca, studied in Medina and then shifted to Iraq and finally to Egypt. He gives his followers choice of folding the hands or keeping them open.

Have you noted the connection between their places of residence and their *fatwas?* The man who lived in Medina kept the hands open; those who lived far from Medina folded their hands; and the one who lived in both places allows both customs. It makes us believe that the custom of folding the hands in prayer was invented far from the city of the Prophet (s.a.w.a.)..

One more interesting fact: The Shi'as, the Malikis and the Ibadhis keep their hands unfolded; the Hanafis and the Hanbalis keep them folded; and the Shafi'is allow both. So, out of six sects three and a half keep their hands open, and two and a half keep them folded. Looking from this angle, those who pray with open hands are in majority!!

Q. 75: TARAWIH AND NAWAFIL OF RAMADAN:

What is the position of tarawih in Islamic shari'ah?

A: It is *bid'ah* (innovation), because praying a non-obligatory *salah* with congregation is not allowed in Islam. (The only exception is *Salatu 'l-istisqa'* — the prayer to seek rain.) *Tarawih* was invented by the 2nd caliph, 'Umar, who himself admitted that it was a *bid'ah,* when he said: "A good *bid'ah* it is”. (See *Your Questions Answered,* vol.6, Q.No.81).

The Shi'a *shari'ah* exhorts the believers to pray individually 1000 *rak'ah sunnat* prayers during 30 nights of the month of Ramadhan, details of which may be seen in *Your Questions Answered,* vol. 6, Q.82.

Q.76; FORBIDDEN MONTHS:

Why is it that the months of Rajab, Zulqa'dah, Zulhijjah and Muharram are called forbidden months?

A: "Haram" means forbidden, holy, sanctuary. *Haram* month means holy months in which fighting is forbidden and people feel they are secure and safe.

The pre-Islam Arabs used to stop fighting from Dhulqa'dah to Muharram to enable themselves to perform *hajj* safely without any fear.In Rajab they held the famous fair at 'Ukaz and stopped fighting to enable people to make deals peacefully.

Islam, being the religion of peace, confirmed this custom in order to let people refrain from war and fights at least 4 months in a year.

Q. 77: ON HUMAN BOMB:

Just recently I met a young Palestinian who fled his country due to the fact he was asked by his leader to place a bomb on himself in defense against the Israelis. He opposed this, and he is now confined in the prison system here. He asked me my position as it relates to this, but I was at a loss. Could you shed some light on this practice for me? Does this practice has anything to do with Islam?

A: I could not understand why that young man is in prison in the U.S.A.; because according to what you have written he has not committed any crime in or against your country. However, coming to your question, such practices are not approved by Islam. Turning oneself into a human bomb is suicide which is unlawful in Islam. The Prophet (s.a.w.) used to instruct his army groups not to attack the civilians, not to harm old people,

children and women; in short, they were not to attack anyone who had not come out to fight them. The same instructions were given by his caliphs. But whom do these human bombs (or car bombs etc.) make their target? Unarmed civilians, children, women, young and old who have gathered in a market or school or other such places. It is unmitigated terrorism and nothing else. It is not a defence against the Israelis; it is in fact an offence against the humanity.

The only situation when such action could be justified is if it is ordered by the Prophet (s.a.w.a.) or the present Imam (a.s.). But the Prophet is not alive and the present Imam is hidden from our eyes. And we are sure that they would not order such a thing.

Q. 78: EMANCIPATION OF UMMU-WALAD;

I have seen an article, Islam and Woman, a few sentences of which are copied here for your comment:

"As far as the women were concerned, Islam respected them even in their captivity. ...They were no longer to be treated as a common property of all with every man having free access to them to gratify his animal passions. They were hence-forth to belong to theijr masters alone. None else could establish sexual relations with them. Moreover, they were, like men, granted the right to work out their freedom through Mukatabah, besides providing that a slave-maid would be free the moment she gave birth to a child by her master. Besides the mother, the child would also be deemed free."

My question is:

Women war prisoners, not warriors but accompanied the enemy soldiers in war, when captured were sexually exploited by their Muslim masters without nikah. The question is why when these women concieved they were set free instead of the masters getting married to them to sustain the offsprings. Is it not unethical by any human code? Please explain with your enlarged Islamic wisdom.

A: I do not know who the writer of that article is, which religion or sect he belongs to, and *whose fatwas* he describes. However, let us look at your queries.

a) ***Sexual Relation without nikah:*** The formula of *nikah* is not a magic *mantra* to make the sexual intercourse lawful. It is Allah's command which, after *nikah,* makes the man and the woman lawful for each other and creates mutual rights and duties between them. Likewise, it is Allah's'command that the previous marriage of the infidel women (when they are captured in Islamic war), is automatically dissolved, and they, after expiry of the prescribed waiting period, become lawful to their masters. Allah says:
"And (forbidden to you are) *all married women except those whom your right hands possess;* (this is) *Allah's ordinance to you...* (4:24)
The same authority which has made your wife lawful to you, has made the captive girls lawful to their masters.

b) ***Ummu Walad:*** A slave girl who gives birth to her master's child, is called *ummu walad* (mother of the child) in *shari'ah.* (In Swahili language a wife is called, *mama mtoto.)* And there are special rules governing her life. In Shi'a *shari'ah:*
   i. she cannot be sold to another person;
   ii. she cannot be separated from her child;
   iii. on master's death, she will be included in the inheritance share of her child, which will make her automatically free at once — because one cannot possess either of one's parents or children etc.

In this way, she will continue to live with her child. (As for the child, he/she, being the master's offspring, is born free, and has all the rights on him which the other children have.)

c) ***A Comment On your quotation:*** The rule mentioned in the quotation that she "would be free the moment she gave birth to a child by her master", is a news to me. And you have added to its abusurdity by saying, "why when these women conceived they were set free."

However, I have told you that that "law" is not according to our *shari'ah.* But even looking from its perspective I do not see any reason for objection.

I do not understand from where did you get the notion that emancipation of the master's child's mother means leaving her and her child on their own without sustaining the offspring. Maintainence of his child is *wajib* on the father, no matter whether he/she was born from a free woman or a slave girl.

Her emancipation frees her from the bond of slavery, restoring to her the original dignity of freedom. How could Islam order the master to marry her after freedom? After freedom, it is for her to decide whom she wants to marry; and not for the ex-master to force her to marry him.

I am really surprised that instead of appreciating how Islam has looked for excuses to bestow freedom on the slaves (this being only one of the many cases) you have raised objection on it.

Q. 79: WHY KHUMUS SAHM-E-SADAT?

The Qur'an says: "And know you that whatever you acquire, a 1/5 of it is for Allah and for the Messenger and for the near relatives and the orphans and the needy and the wayfarer, if you be believers in Allah... (8:41). Also I have read a copy of the booklet titled Khums and it had very strong arguments with facts.
Regarding the various meanings of Ghanimtum or Ghanimah I have no problem with that. The part I do not understand is Sahmi Sadat. I have no problem with Sahmi Imam which is supposed to be handed over to the Mujtahid. I just cant grasp the part about the sadat receiving hard earned individuals' finances. I notice it says in Al-Qur'an (17:26): "And give to the near of kin his due and to the needy and the wayfarer and squander not thy earnings wastefully." I read in the Tafsir of this Ayah that Ibn Jarir reports that the fourth holy Imam Ali ibnul Husain Zainul 'Abideen (a.s.) asked a Syrian: "Have you then read in the Sura Bani Israel in the Qur'an: Give the near of kin his due?" He said: "Yes". Then the Imam said: We are the near of kin meant by this verse. Also when this verse was revealed the Prophet gifted Fatima az-Zahra Fadak. I'm aware of this. But when the Imam says: "We are meant by the verse", I know he means the 12 Imams of Ahl'ul Bait which are his near relatives and descendants. But now that thousands of years have lapsed between the Prophet and hundreds of years between the Ghaibat Kubra of Imam Sahib-uz-Zaman, Al-Qaim, how can the descendants of the Imams lay claim to Khums Sahmi Sadat? I was under the impression that after the 12th Imam Al-Qaim went into Ghaibat that Sahmi Sadat is nullified until he returns by the will of Allah. But nowadays people lay claim on a certain part of Khums just because of their lineage to the Imams of Ahl'ul Bayt (a.s.). To me that's getting into nepotism and class distinction among people because I notice that most of the Sayeds are Iranis, Arabs, Indians etc.

Is there a Hadith narrated by one of the Imams that says: "After Al-Mahdi goes into

Ghaibat you the Shias should give a certain part of Khums to our descendants?"

What I want to know is: Did a Mujtahid come up with this through consultation with the clergy? The Usooli Muhammad Baqir Behbahani defeated the Akhbaris' ideology and now we have Usuli thought being propagated amongst the Shia because of his great efforts. What I mean by this is: Have certain changes been made by fallible men whether they are Mujtahids or not?

A: Looking at your question, it appears that the confusion arises from your assumption that the *Sahm-e-Sadat* comes under the clause, *"and for the near relatives".* It is not so. The verse divides the *ghanimah* in six shares: for

(1) Allah,
(2) the Messenger,
(3) the near relatives,
(4) the orphans,
(5) the needy and
(6) the way-farer.

The first three shares were taken by the Prophet (s.a.w.a.) and after him they belong to the Imam (a.s.); that is why they are called *Sahm-e-Imam* (a.s.) i.e. the Imam's share. So *"the near relatives"* in this verse refers to the Imams, as you have rightly thought, not to other descendants of the Imams.

The remaining three shares (the poor orphans, the other needy persons and the stranded travellers), which constitute the other half and are called *Sahm-e-Sadat* i.e. Sadat's share, are restricted to Banu Hashim and Banu Muttalib *since the time of the Prophet* (s.a.w.a.). When the Prophet (s.a.w.a.) gave Khumus to the Banu Hashim and Banu Muttalib, Jubair ibn Mut'im and 'Uthman ibn 'Affan, (descendants of Nawfil and 'Abdu 'sh-Shams, brothers of Hashim, respectively) complained to him: "O Messenger of Allah! You have given (the Khumus) to Banu Muttalib, although we and they are equally related to you." The Prophet (s.a.w.a.) said: "The Banu Muttalib and Banu Hashim are one and the same." *(Sahih al-Bukhari,* vol.4, p.240; vol.v, p.375; *Tafsir at-Tabari,* vol.13 p.556, Cairo, 1958).

As for the Shi'a sources, the 4th Imam, Zainu 'l-'Abidin (a.s.) was asked about the *Khumus* share belonging to "the orphans and for the needy and the wayfarer". He said: "(It is for) our orphans and our needy and our way farers." That is: from the Hashimtes. *(Tafsir Al-'Ayyashi,* vol.2, p 63).

The obligatoriness of paying this part of Khumus to the *Sadat* has nothing to do with the presence or occuhation of the 12th Imam (a.s.) or with the difference of the Akhbari and Usuli schools of thought. If there was any difference at all between the Akhbaris and the Usulis, it was about the *Sahm-e-lmam* (a.s.) (whether it was *wajib* during the occupation); but both groups were and are unanimous about the *Sahm-e-Sadat* that it must be given to the poor etc. from the descendants of Hashim and preferably those descended from Fatimah (as).

According to our *ahadith,* the reason why the *Sadat* have been allotted this share, returns to the preservation of the dignity of the Holy Prophet (s.a.w.a.) himself. All Muslims agree that *Zakah* and *Sadaqah* were forbidden to the Prophet *(s.a.w.a)* and to the Hashimites. It is an unanimous law and there are countless *ahadith* (both from Shi'a and Sunni sources) making it clear. Why this prohibition?It is because *Zakah* and *Sadaqah* are termed in the *shari'ah* as "the filth of people's hands." As Imam 'Ali Ar-Rida (a.s.) said, *inter alia,* in a talk

with Ma'mun Ar-Rashid: *"Sadaqah* is *haram* on Muhammad and his descendants, and it is the filth of the people's hands, which is not lawful for them to use." *(Uyun Akhbar Ar-Rida,* vol. 1 p.238) Probably it is for this reason that *Zakah* has been given this name. *Az-Zakah* means purity; and as long as this tax is not separated from the wealth, the whole wealth remains impure, filthy and unlawful to be used. When this tax is taken out, it is as though the remaining wealth becomes clean. In other words, the amount given in Zakah was the filth which, when removed, left the balance clean, pure and lawful for one's use. And Allah deems His Messenger too dignified to be tainted or sullied with this dirt. And it is for this reason that the *Sadat* too have been forbidden to touch any item of *Sadaqah* or *Zakah,* because their shame or disgrace will ultimately affect the dignity and respect of their progenitor, i.e. the Prophet (s.aw.a).

It is not nepotism; nor is there any class consideration in Islam. Never the less, Allah in His Mercy and Wisdom makes the believers' offspring share in the glory of their progenitors, as He says:
"And (as for) *those who believe and their offspring follow them in faith, We will unite with them their offspring and We will not diminish to them aught of their work...* (52:21).

And He in His Wisdom and Mercy protects, and looks after the interests of, the offspring just for the sake of their believing and virtuous parents. Look in the ch. of *the Cave* (18:77) where Khidr (a.s.) found in a village *"a wall which was on the point of falling, so he set it up right",* and later explained to Musa (a.s.) its reason in these words. *"And as for the wall, it belonged to two orphan boys in the city, and there was beneath it a treasure belonging to them, and their father was a righteous man; so your Lord desired that they should attain their maturity and take out their treasure, a mercy from your Lord... (18:82).*

On the other hand, the offspring's disgrace often puts a stigma on the progenitors—even when the latter are totally innocent and blameless. The Prophet Nuh (a.s.) was sinless and *ma'sum;* but one of his sons was evil-doer. Now the phrase, son of Nuh, has become synonymous with 'a bad man in a good family.' Because of that son's misconduct, the sacred name of the Prophet Nuh (a.s.) is always bandied about!

Allah Subhanahu wa Ta'ala has bestowed on our Holy Prophet (s.a.w.a.) the highest status possible. And He did not desire any of his descendants — no matter how many generations have passed in between — to eat from "the filth of the people's hands". So He forbade to them the *zakah* and *sadaqah.* At the same time, there should have been some way of alleviating their hardships, when recessary; so He allotted to them the three of the six shares of *khumus* (which is called *Sahm-e-Sadat).*

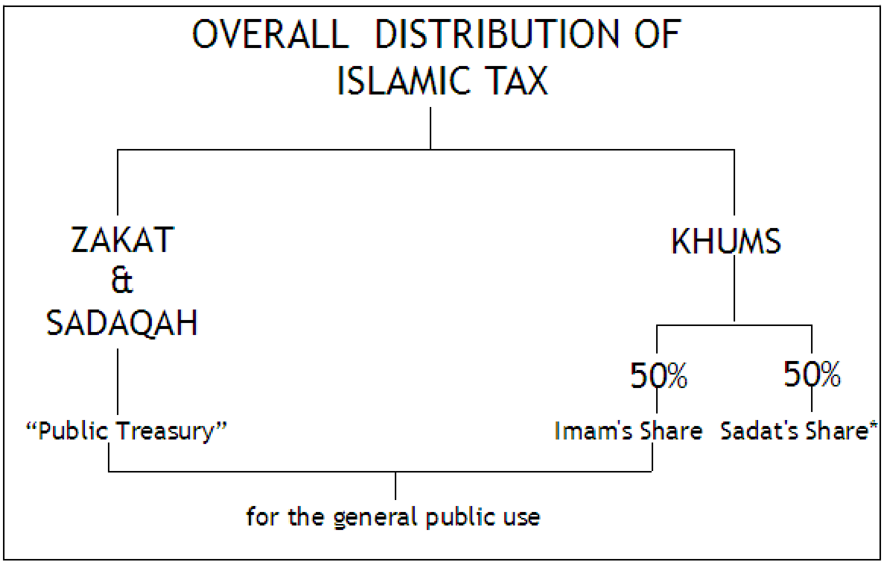
It is this philosophy of protecting the Prophet's name from disrepute that Allah says to his wives in the Qur'an: *"O wives of the prophet! whoever of you commits an open indecency, the punishment shall be increased to her doubly; and this is easy to Allah. And whoever of you is obedient to Allah and His Messenger and does good, We will give to her reward doubly.* .(33:30-31)
And ash-Shaykh as-Saduq (R.A.) says in his *Kitab al-I'tiqadat* in the ch. *On 'Ali's descendants,* that "they are the progeny of the Messenger of Allah (s.a.w.a.),... and *sadaqah* is haram for them because it is the filth of the people's hands... and it is our belief that the evil-doer among them shall be given double punishment and the good-doer among them shall get double reward..."

Here it should be pointed out that the double reward emanates from Allah's mercy and grace, and no one can question it. However the double punishment apparently seems

against justice; but it is not so. One punishement would be for the sin committed; and the other would be for sullying the Prophet's name.

So, you see, it is not nepotism; it is protecting the honour of our beloved Prophet (s.a.w.a.) in the eyes of the public.

Also, I must make it clear that on the whole non-Sadat's share in public money far exceeds the money reserved for the *Sadat.* There is a chart in the 3rd ed. of the book, *KHUMS,* by my son, Sayyid Muhammad Rizvi, (a copy of which is being sent to you by air mail). The chart gives the *"Overall Distribution of Islamic Tax",* which is self explanatory:



*Sadat are barred from "the public treasury", i.e., the obligatory zakat and sadaqah

Before ending this letter, I would like to remind you that Allah is the Absolute Owner of our body and soul, as well as of all that apparently belongs to us. Whatever we earn is actually His property. It is His Grace that he demands only a small part of that earning in His name and then says that now the major part is lawful for you to use. When we pay *zakah, sadaqah* or *Khums,* it should bring joy to our hearts, as one feels happy when he takes bath and removes dirt and filth from his body or clothes. These are not "charity" monies, they are obligatory dues.

Imam Ja'far as-Sadiq (a.s.) said: "I do take a dirham from one of you (while I am a rich man of Medina); my only intention in taking it is that you should be cleansed." (ash-Shaykh as-Saduq, *Ilahu 'sh-Shara'i',* vol.2, p.65).
Also you should realize that a poor *mu'min,* be he a Sayyid or non-Sayyid, can be paid from *zakah* or *khumus* only to that extent which would be sufficient to meet his annual domestic expenses. Let us say, a Sayyid's family expenses come to US$ 15,000/- annually, and his regular earning is $ 10,000/-; so he can be given the balance of US$ 5,000/- from *Khumus Sahm-e-Sadat.* But not a single cent more. Khumus or *zakah* are not meant for luxuries or investments. As Zayd son of Imam Zaynul 'l-'Abidin (a.s.) said: *"Khumus* is for us as long as we need it; when we do not need it, then it is not for us to build palaces." *(Tafsir Fur at ibn Ibrahim, p. 49).*

Now you must have understood that the allocation of 3 shares *of Khumus* to Banu Hashim was made and enforced by the prophet (s.a.w.a.), and was explained by the Imams. It is not a decision made by any fallible *alim* on his own.

Q. 80: KHUMUS ON A PURCHASED GODOWN:

A man has bought a godown for US$ 200,000/- which he is turning into a Show Room. Does he have to pay Khums on the purchase price?

A: If the Khums of the price was not given before, then he will have to pay US$ 50,000/- for Khumus (US$ 250,000/- total minus US$ 50,000/Khums = US$ 200,000/- Net).

Q. 81: HOUSE BOUGHT BUT GIVEN ON RENT.

A man is staying in a house, against which there is a demolition order. He therefore bought a house, for his own residence.

Having bought the house, he decided to give it to rental for a couple of years, before he moves in.

Does he have to pay Khumus on purchase price of the house.

A: Yes. Had it been used straight-away for his own residence, and if the price was paid from the same year's saving in which the house was purchased, then there was no Khumus due. But if the money was from previous year's savings, there will be Khumus payable. Also, if it is not used for own
residence, Khumus has to be paid

Q. 82: ACCOUNTING OF KHUMUS:

I got married in 1970 and I received dahej money of Shs. 2,335/- which I deposited in a savings account with National Bank of commerce. I was working after marriage and used to earn salary of Shs. 400/- per month from my husband's company which was being deposited in the savings account by banker's order. Upto 1978 I was deposited with shs. 22,800/- as my salary which I never touched. All this attracted interest. Upto now my balance in my Savings Account is Shs. 627,034.65. So I have earned interest of Shs.601,899.65!! But I have never paid Khums on it.

I have now realised my mistake. Can you please guide me as to what am I supposed to do now.

A: I advise you to begin your financial year from the date of your marriage. Let us say, it was 1st August, 1970. Now every year on 31st July your financial year will close. Whatever you had got in your account upto 31st July 1996, is your saving, on which you have to pay Khumus. As for the money that has entered into your account between 1st August, 1996, and 31st July, 1997, if you have spent something from it on household expenses, that will be exempted from Khumus, but you will pay Khumus on the balance. If you have not spent anything from that amount, then Khumus will be paid from the whole amount.

Q. 83: GIFTING EXCESS MONEY TO AVOID KHUMUS:

Can a husband and wife gift their total assets to one another (which is less than their annual expenses) in order to avoid paying Khums?

A: Allah (s.w.t.) says in the Qur'an:

"They (intend to) deceive Allah and those who believe, they deceive not but themselves, but they perceive (it) not."

If the intention in paying *Khumus* is to obtain the pleasure of Allah, then such manipulations cannot remain hidden from Him, and He will deal with them accordingly. If they think that Allah is unaware of such tricks, then they are not Muslims at all.

Q. 84: NATIONALISED HOUSES:

a) In Tanzania on 22nd April, 1971 a law was enacted and assented to by the then President of the United Republic of Tanzania being No: 13 of 1971 entitled " Acquisition of Building Act, 1971".

By virtue of the said law, all buildings, residential, commercial or industrial whose cost of construction or rental value was more than one hundred thousand shillings, the Parliament empowered the President to acquire the said property if in his opinion it was in the public interest to do so.

Under the said law almost all buildings owned by individuals or companies were acquired (nationlised) by the Government.

There was a provision for compensation but very few were paid and those who were paid were not in accordance with law: the legal requirement was that the compensation shall be fair, edequate and prompt. Some were paid after 5 to 10 years but not adequately. Others have not been paid at all.

Now the problem we face is this: If the owner of an "acquired" property has not been paid any compensation, can a tenant occupying such property prior to acquisition continue to occupy it and pay rent to the government?

A: If it is possible to contact the original owner, then the best course is to obtain his permission to live in that house either free of charge, or on paying some token rent. If it is not possible to contact him or if his identity or present address is not known at all, then the occupier should pay every month some amount (according to his ability) as its rent and give it to a poor Shi'a as *Sadaqah* on behalf of the original owner. (This reply is based on late Sayyid Al-Khoui's *fatwa.)*

b) Can a tenant of such acquired property take "goodwill" or "key-money" and with the consent of the Government, "transfer" it to a third party? (No doubt they have to grease or bribe an officer for such a transaction).

A: I could not find any such provision in the books of the mujtahideen —past or present.

c) Can a broker or, lawyer charge fees on such transaction of an acquired property where compensation has not been paid?

A: Apparently, no one. is allowed to deal in a *ghasbi* property, and fee or commission obtained from such a deal will not be lawful.

Q. 85: NEED OF HOUSE AND OBLIGATION OF HAJJ:

"When a person is in need of owning a house, performance of Hajj will be obligatory on him IF he also possesses money for the house"

Now the following issues emerge:

1. *A tenant of National Houseing Corporation in the present state of law has no security at all. He can be thrown out, his rent can be increased at any time and his heirs cannot inherit the house a person now accupies, even if he was its owner before Acquisition.*
2. *This is because Rent Restriction Act only partly applies to parastatals like NHC etc.*
3. *And Building Acquisition Act, by Section 7 sub-section 4 states that property partly returned to owners and occupied with other persons in the building cannot "pass" by inheritance such a flat or tenement or portion of the building.*

Under such situation will a person be obliged to perform Hajj if he fulfills other requirements but has no sufficient fund for "owning a house"?

A: I do not have the English book, but on comparing your quotation with his Arabic

Manasiku 'l-Hajj, (Mas'alah 25, p.20), there appears some ambiguity in the English translation. The Arabic book says as follows:
"If he has wealth sufficient for *hajj* expenses and he is in need of marriage or of buying a house for his residence or other (such) requirements; then if using that wealth for *hajj* would put him in difficulty, *hajj* will not be *wajib* for him; otherwise it will be *wajib".*

Owning a house for residence is a genuine necessity of life in the eyes of Islam. But a residence which one can pass to one's heirs is not a condition for *wujub* of *hajj.* If a rented house suffices for his present requirements, the above *mas'alah* is not applicable to him — the provisions of Building Acquisition Act and Rent Restriction Act nowithstanding. You know very will that in this country, even the private houses (like other buildings) are built on plots having not more than 99 year lease. And the President can revoke the lease any time be likes. Surely nobody can say that *hajj* is not *wajib* on even those who own private houses because "they can be thrown out" any moment.

For the purpose of this *mas'alah,* a man should not own any other residential house, and there must be some actual deal finalised (or nearing final stages); if that deal reduces the money to such an extent that *hajj* is not possible, then *hajj* is not *wajib.* But an imaginary danger of eviction after some unknown future eventuality, or just a vague plan to purchase a house at some time in distant future will not exempt him from *hajj.*

Q. 86: 25th DHUL-QA'DAH:

According to the Mafati-hulJinan it is related that the "25th of Dhul-Qa'dah (also known as Dahw-ul-Ardh), is also the night when both Nabi Ibrahim and Nabi Isa were born and the day the earth was spread under the Ka'ba and it also is the chosen day that the Mahdi (PBUH) will re-emerge. How come there seems to be no other source that mentions the coincidence of the birth of Nabi Ibrahim with that of Nabi Isa? Most of my Christian friends are rather surprised at this information too. What is the coincidence of the re-emergence of the Mahdi (PBUH) on the same day?

A: 25th Dhu 'l-qa'da is called *Dahwu 'l-ard,* because, according to *ahadith,* it was the day the earth was spread under the Ka'bah. As for its being the birthday of Nabi Ibrahim and Nabi 'Isa (peace be on them), it can neither be proved nor refuted: the calendar systems of the Jews and of the Arabs were and are different. Moreover the exact birthdays of the two prophets are not known even to the Jews and Christians themselves. As for the reappearance of our Twelfth Imam (a.s.), many *ahadith* mention some dates of Ramadhan; others say 'Ashura day; while more authentic ones forbid fixing of any date for it. So, you may ignore such statements altogether.

Q. 87: WAS 'A'ISHAH MUSLIMAH BEFORE HER MARRIAGE?

Was 'A'ishah, the Prophet's wife, a Muslimah before their marriage?

A: Yes. She was a born Muslimah.

Q. 88: WHERE AND WHEN DID 'A'ISHAH DIE?

Where and when did 'A'ishah (wife of the Prophet s.a.w.a.) die?

A: She died at Medina in the reign of Mu'awiyah in the year 58 A.H. as may be seen in *Kitab Al-Ma'arif* of Ibn Qutaybah Dinawari (Egypt ed. p.59). It is narrated in *Habibu 'S-siyar* of Ghayathu 'd-din al-Harawi and *Rabi'u 'labrar* of Az-Zamakhshari that when Mu'awiyah began convassing from the pulpit of the Prophet to appoint his son, Yazid, as his heir-apparent, 'A'ishah opposed it vehemently. Mu'aviyah then invited her for a meal to his

place in Medina. Before her arrival, he had ordered a deep pit to be dug; and covering it with a bed-spread put a chair on it. When 'A'ishah sat on it, she fell down in the pit, which was at once filled with lime and then the floor was levelled. I do not know how reliable this report is, but I have mentioned it here because the writers of those books were well-recognised Sunni scholars.

Q. 89: ABOUT SALMAN AL-FARSI (R.A.):

Was Salman Al-Farsi (r.a.) governor of Mada'in at the time of his death? When did he die and where?

A: Salman (r.a.) was appointed governor of Mada'in by the 2nd caliph. The caliph usually changed governors every two years. When he got the news that Salman (r.a.) was about to enter Medina, the caliph went out with many companions to welcome him. It was a very unusual honour paid to returning governor. The reason became clear when they saw Salman (r.a.) returning with the same robe in which he had set out. He had not taken from the treasury anything for himself during his governorate.

Then Salman (r.a.) settled in Basrah, where he married a lady. After a few years, he shifted with his family to Mada'in. I think he did so because Mada'in people spoke Persian.

He died in Mada'in in the last year of 'Uthman's caliphate, i.e. in 36 A.H. (Vide *At-Tabaqat* by Ibn Sa'd, vol.4, p.93).

Q. 90: STRENGTH OF YAZID'S ARMY IN KARBALA:

How many soldiers were there in the army of Yazid in Karbala?

A: According to Sayyid Ibn Ta'us (a.r.) in *al-Luhuf,* Ibn Ziyad had sent 30,000 soldiers under various commanders to Karbala. The commander's names with number of the soldiers under them are given as under:

1.	'Umar ibn Sa'd	4,000soldiers	
2.	Shimr ibn Dhul Jaushan	4,000	"
3.	Haseen ibn Numayr	4,000	"
4.	Yazid ibn Rikab	2,000	"
5.	Mazini	3,000	“
6.	Nasr	2,000	"
7.	Others	11,000	"

('Umar ibn Sa'd was the commander-iri-chief.)
The same, more or less, is the number given by some other authentic writers. Abu Makhnaf says: 25,000; some say 22,000, and some others, 40,000.

Q. 91: ENEMIES KILLED BY IMAM HUSAYN (A.S.):

How many enemies had Imam Husayn (a.s.) killed in Karbala?

A: According to Sayyid Ibn Ta'us (a.r.) and Ibn shahrashub (a.r.) and many other scholars, the Imam (a.s.) had killed 1,950 infidels in Karbala.

On the other hand, Al-Mas'udi has written in *Maruju 'dh-dhahab* that only 88 people were killed from the army of 'Umar ibn Sa'd. But it is a very absurd statement, and most of the authentic books refute it.

Q. 92: HOW MANY WOUNDS ON IMAM'S BODY?

Can you give me a rough estimate as to how many wounds Imam Husayn (a.s.) had sustained in the battle of Karbala?

A: According to Imam Muhammad al-Baqir (as.), there were more than 320 wounds of swords, spears and arrows on the body of the Imam (a.s.). Abu Makhnaf narrates from Imam Ja'far as-Sadiq (a.s.) that Imam Husayn (a.s.) was inflicted with 33 wounds of spears and 34 of swords. It means that the Imam (a.s.) had sustained more than 250 arrow-wounds.

Q. 93: ABOUT CAPTIVES OF AHLUL-BAYT:

Is it correct, as zakireen say, that Imam Zaynu 'l-'Abideen (a.s.), in spite of his illness and weakness, was made to drive the camles of the captives of Ahlu 'l-bayt from Karbala to Kufa and then to Damascus?

A: I have not seen such a report in any source book. However these books say that the Yazid's army had put iron in the neck of the Imam (a.s.) and had shackled his hands and feet with iron chains. Also, they had tied the captives in one rope before bringing them to the court of Yazid.

Q. 94: ADAM AND IBLIS:

Where was Adam when Iblis approached him?

A: According to many Shi'a tradtions he was in a *Jannat* (garden) of this world. It was not the ever-lasting Paradise which the virtuous will enter on the Day of Resurrection.

Q. 95: IBLIS & SATAN:

Is Iblis the same as Satan? Or they are two different beings?

A: They are one and the same.

Q. 96: CAN A GREAT-GRANDCHILD INHERIT WITH A GRANDCHILD?

My grandmother had a son who died and left behind two daughters and three grandchildren, two being males and one female. (Their father had died before). Now she has some property. If she dies, what are the heritable portions for those two grand-daughters and the three great-grand-children?

A: Your question does not give a clear picture. However, a nearer heir excludes the remote one. It appears from the question, that your grand-mother does not have any son or daughter, nor any of her own parents. I understand that she does have only two granddaughters and three great-grand-children. If my surmise is correct, then only the two grand-daughters will inherit her, to the exclusion of the three great-grandchildren.

If you question means that she has five grand-children (2 granddaughters from one son, and 2 grandsons plus one grand-daughter from another son) then all five will inherit her, the males getting double the share of a female.